THE NEW REPUBLIC

OCTOBER 17, 19

Is Affirmative Action Doomed?

Jeffrey Rosen on the Unraveling of the Law

Dante Ramos: White Minorities

Yolanda Cruz: Patronized to Death

Tamar Jacoby: Why No Stats?

BOOKS

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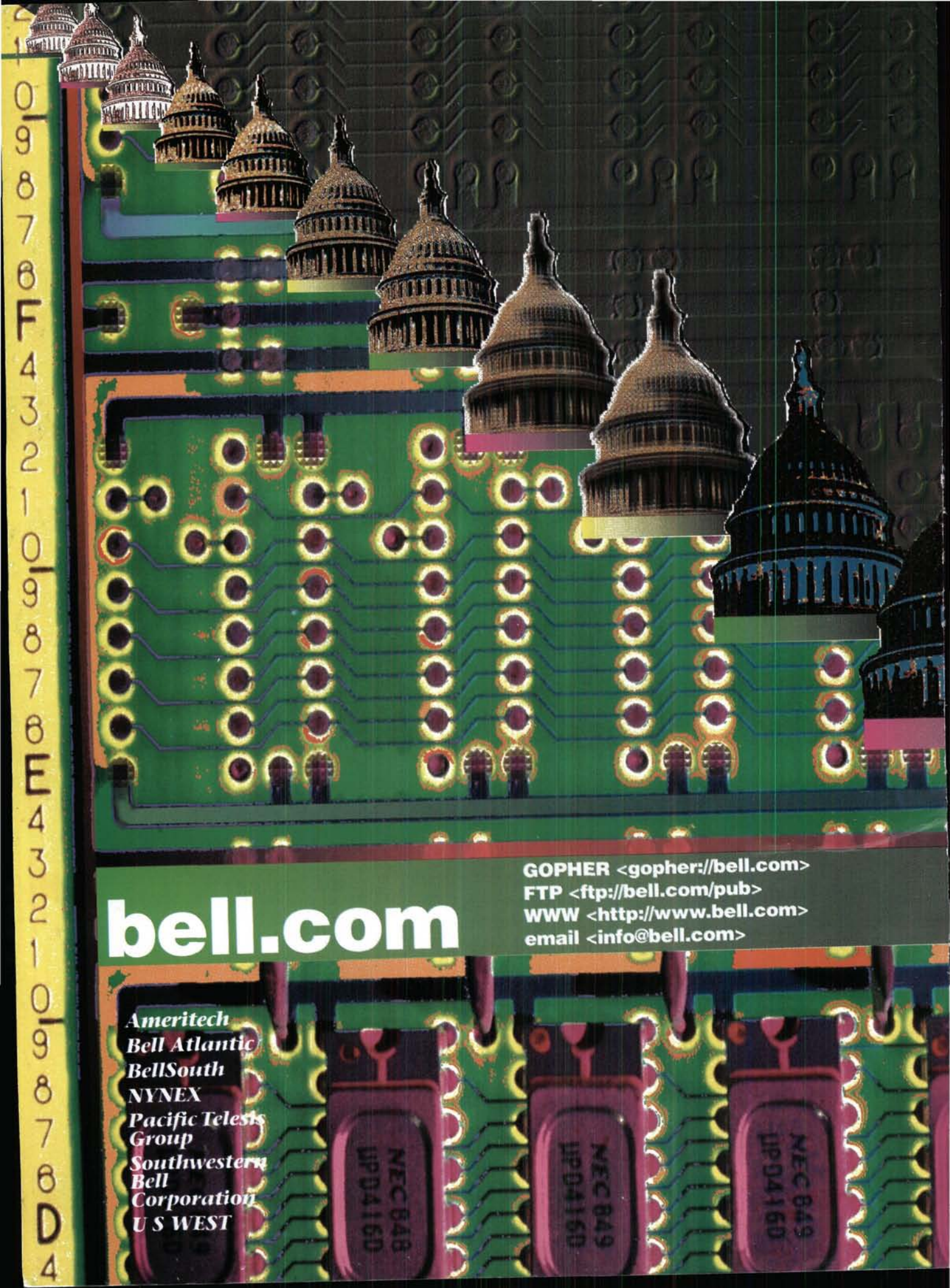

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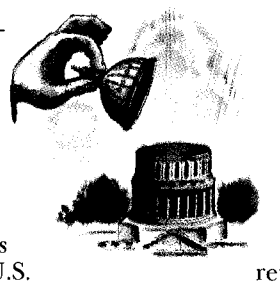
FROM WASHINGTON

Somalia Syndrome

Where did American troops just land? Was it Haiti, or the mysterious country of Another Somalia? Sometimes it's hard to tell. "ANOTHER SOMALIA FEARED," blared a headline in *USA Today* three days after the Marines arrived. "This must not be another Somalia," warned Republican Senator Connie Mack. "It is going to be another Somalia," predicted an American army sergeant. "We are back in Somalia, this time with a Caribbean address," lamented columnist Charles Krauthammer. The American Legion opposed the invasion, likening it to "the debacle in Somalia."

We used to worry about repeating the debacle in Vietnam, a place where 40,000 Americans were killed. Now we worry about repeating Somalia, where forty Americans were killed. This is progress, of a sort. Battles like Vietnam occurred in a cold war context that at least arguably justified considerable sacrifice (even when, as in Vietnam, the argument was unconvincing). Today's essentially humanitarian interventions—Somalia, Rwanda and now Haiti—require a different moral calculation. That the people who fretted most about the Vietnam Syndrome (e.g., Krauthammer, the American Legion) are among those now assiduously promoting the Somalia Syndrome doesn't make the latter crazy.

But it *is* crazy. The Somalia intervention, by virtually any moral calculus, was a success. When the Marines went ashore in December 1992, upward of 400,000 Somalis had already died of malnutrition and disease, notes Robert Oakley, the former U.S. special envoy to Somalia. Yes, the famine was politically induced, and yes it was already easing by the time President Bush decided to send troops. But Somalis were still dying, and food and medical care could not be safely provided. There was, says Oakley, "the very real prospect" that another 400,000 to 500,000 people would die. That prospect ended with the American intervention.



Critics of the Somalia initiative, notably Michael Maren in an article in *Forbes MediaCritic*, argue that the United States, the U.N. and private relief organizations had ample incentives to exaggerate the number of starving Somalis. (The U.S. Agency for International Development cites an estimate of "1.5 million at severe risk of starvation.") So assume Oakley's lower figure is too high by a factor of four. We only helped save 100,000 lives. The Haiti incursion should be such a debacle.

It's also true that America's military mission in Somalia failed to resolve the clan warfare that produced the famine in the first place. With our troops' departure, might the disaster happen all over again? It might. But it might not. Oakley for one thinks a repeat "unlikely." Somalia's clans are now so horrified by what happened in 1992 that any new fighting will be "much narrower and much less lethal." Anyway, critics of the Somalia mission can't have it both ways. If, like Maren, they complain that "people expect the civil war to start again when the Americans ... head home," they should give the Americans credit for stopping the civil war in the interim.

When most people talk of the Somalia "debacle," of course, they aren't thinking of the famine. They are thinking about the firefight on October 3, 1993, in which eighteen Americans were killed and seventy-eight wounded. The casualties came during the second phase of our military effort, when a United Nations peacekeeping force was trying to move beyond famine-prevention into what our U.N. representative, Madeleine Albright, modestly called "an unprecedented enterprise aimed at nothing less than ... the re-establishment of national and regional institutions." In short, "nation-building." Pursuing this goal, the U.N. tilted against Somali clan leader Mohamed Farah Aideed, whose forces then killed twenty-four Pakistani peacekeepers. A U.N.-led manhunt for Aideed ensued. The Americans were killed after raiding a meeting of Aideed supporters. Television pictures showed a dead American being dragged through the streets. Four days later, President Clinton announced that U.S. forces would be withdrawn within five months.

To say the overall Somalia mission was a success isn't to justify the Aideed manhunt, much less any particular raid. But

continued on page 61

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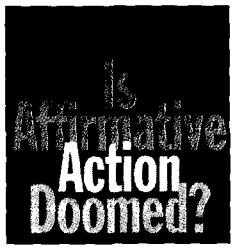

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CORRESPONDENCE

Fire away

To the editors:

In his Cape Cod Diarist ("Symbolic Politics," September 5), Martin Peretz criticized the Justice Department's decision to change its position in a New Jersey affirmative action case. TNR readers might be better served by knowing what we did and the bases on which we did it.

First, *United States* v. *Board of Education for the Township of Piscataway* concerns a local school board's voluntary use of a race track to break a tie between equals to maintain faculty diversity. Piscataway's affirmative action plan was a voluntary expression of its local interest. The plan demurred to seniority, training and on-the-job performance, all of which were found to be equal in this case. The plan was in the service of faculty diversity, which the district court itself (like many Supreme Court justices) described as "laudable." Had any one of these factors been missing or different, we might have approached our decision differently.

Second, Piscataway's plan simply did not violate the law. Nothing in the controlling case law holds that an employer violates any federal statute by using race to break a tie between equals in the interest of faculty diversity. Not even the *Wygant* case, which Peretz cites. People may argue over what the law ought to be. But that is what the law is. And we have grave concerns about using federal power to interfere with local choices that do not violate federal law.

The United States has filed a friend-of-the-court brief explaining the state of the law. In the absence of a federal prohibition, Piscataway's restrained affirmative action plan and the decision made under it are sound. From our viewpoint as law enforcement officers, that's quite a bit less sensational than Peretz makes it seem.

DEVAL L. PATRICK
Assistant Attorney General
Civil Rights Division
U.S. Department of Justice
Washington, D.C.

Party on

To the editors:

Describing the resurgence of the Communist Party of Democratic Socialism (PDS) in eastern Germany ("Red Again," September 12), Charles Lane wrongly characterized West Germany's pre-unification democracy as a "stable two-party system." Stable, surely; two-party, not at all.

During the past forty-five years there have always been at least three parties in every *Bundestag* and at least two in every government. For the past twenty-five years that situation has given one small party, the Free Democrats, disproportionate leverage, since it has always been needed to form a national government.

After this October's elections there will certainly be at least four *Bundestag* parties, perhaps five if the PDS makes it—a strong likelihood, as Lane suggests. It is precisely because Germany is *not* a two-party system that small parties such as the Free Democrats, the Greens and now, conceivably, the PDS can have a political influence well beyond their numbers.

ROBERT GERALD LIVINGSTON
Washington D.C.

Cross purposes

To the editors:

There is absolutely no truth to David Frum's claim ("Dead Wrong," September 12) that New York City's pro-homosexual Rainbow Curriculum was tainted with "black nationalism at its most chauvinist." Blacks were outraged by the curriculum because it said next to nothing about their concerns, while insisting that teachers discuss lesbian and gay issues "in all curricular areas."

Frum also contends falsely that the battle was a pushover because the curriculum had no significant supporters except a public schools chancellor who was already weakened by a bungled asbestos cleanup. The asbestos scandal came to light long after the curriculum battle was over; and, in the meanwhile, the pro-curriculum chancellor had the backing of the mayor and almost every news organization in the city.

If the religious right can defeat the irreligious left in a place like New York, it can do it anywhere.

JOHN D. HARTIGAN
Rye, New York

To the editors:

While the religious right may have lost a few high-profile battles, it certainly has not retreated and has successfully organized many boycotts. The pressure against ABC in the pilot of "NYPD Blue" is well-known. Less well-known is the even more successful pressure against PBS forcing it to cancel the miniseries "Tales

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of the City." An advertiser boycott was led by a Jerry Falwell-sponsored women's group against the magazine *Sassy*, a source of honest sex information for teenage girls. After Judi Bari of Earth First! was bombed in her car, a letter from someone calling himself "The Lord's Avenger" claimed responsibility. Fundamentalists like to portray themselves as the persecuted, but more often they are the real aggressors, and, for all Frum's optimism, they haven't gone away.

MARY ANGELINE
Springhouse, Pennsylvania

To the editors:

Interesting, isn't it? The religious right whoops it up unceasingly for virtue, morality, integrity and family values, yet stands foursquare with the Republican Party, which gave us the Watergate, Iran-contra and housing department scandals, the savings-and-loan debacle, the Wedtech case, Joe McCarthy's reign of terror, a president who resigned in disgrace, a vice president who took bribes and evaded taxes and such principled figures as Oliver North, Al D'Amato and Jesse Helms.

MORTON C. PAULSON
Silver Spring, Maryland

Chemical pudding

To the editors:

Douglas J. Feith and Frank Gaffney Jr.'s critique of the Chemical Weapons Convention ("Toxic Treaty," September 5) contains numerous factual distortions. The CWC culminates more than a decade of bipartisan effort to achieve a global chemical weapons ban. It was negotiated, concluded and signed under Presidents Reagan and Bush, and submitted to the Senate for approval by President Clinton.

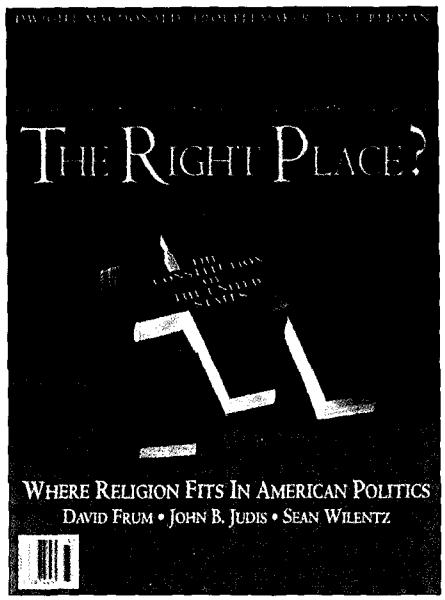
Feith and Gaffney distort CIA Director James Woolsey's view on the value of the CWC. Woolsey testified that with or without the treaty, the intelligence community has the mission to detect and assess the threat from chemical weapons programs. Woolsey emphasized that the CWC could contribute significantly to this mission.

The authors charge that Russia lacks the resources to destroy its chemical weapons stockpile. They fail to note that without the CWC, Russia would not be obliged to destroy completely that stockpile, or be subject to comprehensive data declarations and mandatory challenge inspections of any site or facility of compliance concern. Moreover, the United States is working with Russia to help it meet its CWC destruction obligations.

Feith and Gaffney are dead wrong in alleging that I tried to delay Senate discussion of CWC costs until after ratification. Before and throughout the Senate hearings, my agency has given Congress detailed estimates of the costs of CWC implementation, including its likely impact on U.S. industry.

The authors incorrectly contend that a study by the congressional Office of Technology Assessment (OTA) found that CWC inspections of U.S. industrial sites would "cost specific firms hundreds of thousands of dollars." OTA concluded that the approximate typical cost would be about $10,000.

Feith and Gaffney argue that "rogue" states are unlikely to join the CWC. To date, however, the 157 CWC signatories include nearly three-quarters of the



countries believed to possess or to be seeking to acquire chemical weapons. Countries remaining outside the CWC will also be subject to CWC-specified restrictions on relevant chemical trade by CWC parties.

The authors suggest that, if necessary, the United States should unilaterally renounce chemical weapons. The United States has essentially already done so. The CWC is in our national interest because it will obligate other countries to follow suit.

JOHN D. HOLUM
Director, U.S. Arms Control and Disarmament Agency
Washington, D.C.

Douglas J. Feith and Frank Gaffney Jr. reply:

We accurately reported the CIA director's admission that U.S. intelligence could not have "high confidence" that it would detect violations. This is fatal if the aim is a verifiable ban on possession. It is entirely beside the point that the treaty's highly bureaucratized and expensive multilateral verification regime might enhance somewhat the CIA's ability to monitor the field.

It should go without saying that Russia, if there were no CWC, would not be "obliged" to destroy its chemical weapons stockpiles. Our point was that Russia—and other states such as Iran, Syria, North Korea—can sign the treaty and gain respectability and other benefits thereby, while maintaining illegal capabilities, confident that they are unlikely to be detected and virtually certain to escape punishment in any event.

Our citation of the congressional OTA study was valid. Regarding on-site inspections of "large and complex" classified defense plants, the study states that the Pentagon "has estimated that the cost per facility could be as high as $200,000 to $500,000."

What comfort does Holum expect us to take from the fact that more than 25 percent of the countries possessing or seeking chemical weapons are not signatories? This just confirms our point that the treaty is not global.

The treaty's loopholes and gross unverifiability—and the world's shameful record of not enforcing treaties of this kind even when they are verifiably violated—make it unreasonable to expect that CWC "obligations" will actually bring about chemical weapons abolition. The CWC, if ratified, will be an expensive false advertisement that the chemical weapons threat in the world is less serious than will be the case.

Bulging crotches

To the editors:

Regarding the cover of the September 5 issue, "West Coast Story": If the Senators Boxer and Feinstein are drawn in skimpy tops with their breasts half exposed, where are the governor's and Representative Huffington's bulging crotches? The cover art is demeaning in its suggestion that women, no matter what their position, are as powerful as the size and visibility of their breasts. I honestly expected more from TNR.

NANCY BARROW SERRURIER
Menlo Park, California

When doves cry

To the editors:

Rumor has it that as part of the deal to avoid the invasion, the Haitian government agreed to change the name of its capital to Port-au-the-Town-Formerly-Known-as-Prince. Can you confirm?

JOHN W. HELLERSTEDT
Austin, Texas

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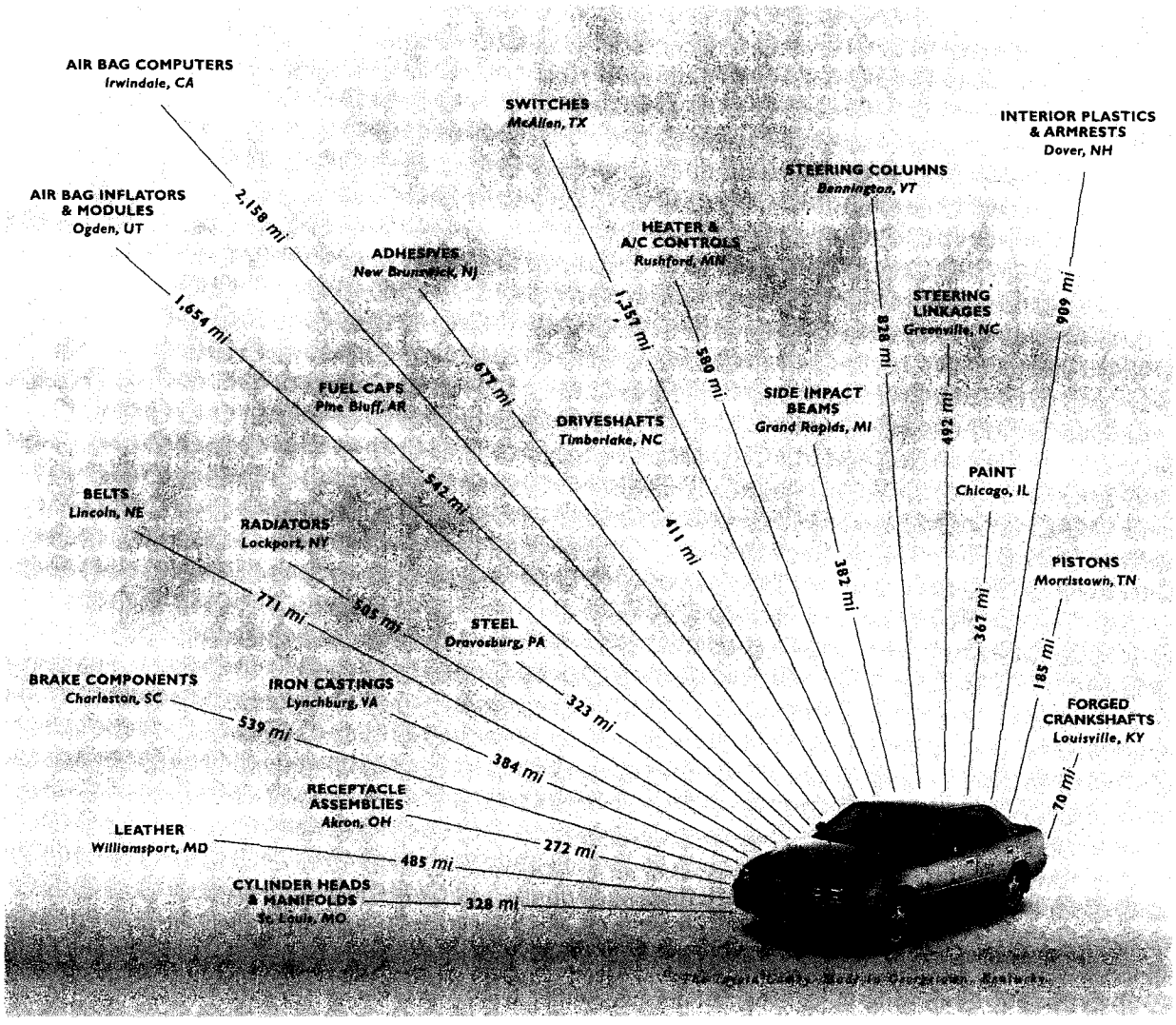

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THE NEW REPUBLIC

OCTOBER 17, 1994

THE OTHER DRUG WAR

In 1990 AIDS activists stormed the headquarters of the Food and Drug Administration to protest the agency's painfully slow drug approval process. Mercifully, the FDA met the group's demands by creating a fast track—called "accelerated approval"—for drugs that treat fatal diseases. Since then, three AIDS drugs and a treatment for multiple sclerosis have come onto the market far sooner than otherwise would have happened. A rare political and medical success story? Not according to the activists. In June, a major AIDS lobby, the Treatment Action Group (TAG) wrote FDA Commissioner David Kessler objecting to the "inappropriately low standards" for ensuring drug safety, and demanding that fast-track applications for the latest wave of AIDS drugs be denied. "We pay huge amounts of money and we suffer through major toxicities, and we have to take the drug company's word for it that these treatments work," says Spencer Cox of TAG. "They're not doing me any favors by approving these drugs."

TAG is mad at the wrong target. Sure, acceleration comes at a price—less accurate information about drugs, and even the risk that treatments may be useless—but so far, the trade-off has been worth it. No one is being given dangerous drugs (toxicity can be monitored and treatment ended if there are complications); no one is being treated without explicit consent; each patient can decide whether taking a potentially ineffective drug is preferable to doing nothing in the face of a terminal disease. TAG's proposal—reinstituting large clinical trials with half the participants on a placebo—is essentially a reversion to the old system: taking decisions from responsible patients and giving them back to bureaucrats. Not only could tens of thousands of patients be denied drugs that could prolong—or even save—their lives, but the extra costs that would burden the pharmaceutical industry could chill research into future drugs as well.

There is no solid evidence in any case that the drugs now on the market don't work. "We don't know whether or not they can keep people alive for longer than taking nothing at all," TAG argued in its proposal. It based this on the results of the 1988 Concorde study, which tracked 1,740 patients and concluded that AZT had a minimal effect. But as Martin Delaney of San Francisco's Project Inform points out, TAG is skewing the results. While patients in the early stages of the disease showed few measurable gains, those in later stages responded well. At least two other more focused studies, in Australia and in San Francisco, found clear evidence that an AZT-based combination could slow the progression of HIV from six to nine months. And TAG ignores drugs that treat AIDS infections. So far, one such drug has been put on a fast track, and several others have applied. For many young people, these drugs make the difference between life and death.

Scapegoating the pharmaceutical industry is too simple. It's a myth that companies have reaped huge profits selling AIDS drugs. According to the congressional Office of Technology and Assessment, testing and marketing drugs can cost anywhere from $100 million to $400 million. The U.S. sales of the first AIDS drug, AZT, introduced by Burroughs Wellcome in 1987, have so far totaled $200 million. The three other HIV drugs—DDC, DDI and D4T—fared worse, with sales averaging so far only $25 million each, a fraction of development costs. This news prompted a group of drug manufacturers to announce last month that if the latest anti-HIV drugs don't turn profits, companies will pull out of AIDS drug research altogether. Forcing them to conduct long, costly trials could put them over the edge.

TAG insists their proposal wouldn't slow the approval process, but only add accuracy. But there's a trade-off between speed and precision, and no amount of tinkering can change that. TAG, for example, demands that drug testers no longer use surrogate markers—measures of data, such as immune cell counts, that are indirect evidence of progress. The group would replace them with actual markers of progress, such as lives saved. The hard truth, however, is that the former can be tracked in months, the latter takes years.

In a September hearing on the topic, FDA officials tried to soothe the concerns of TAG and others by pledging to make follow-up studies more efficient while keeping the fast track intact. But the pressure is still on. What is ultimately at issue is whether a handful of activists can keep potentially life-saving drugs out of the hands of a half-million Americans with HIV and another half-million with AIDS. We pray not. •

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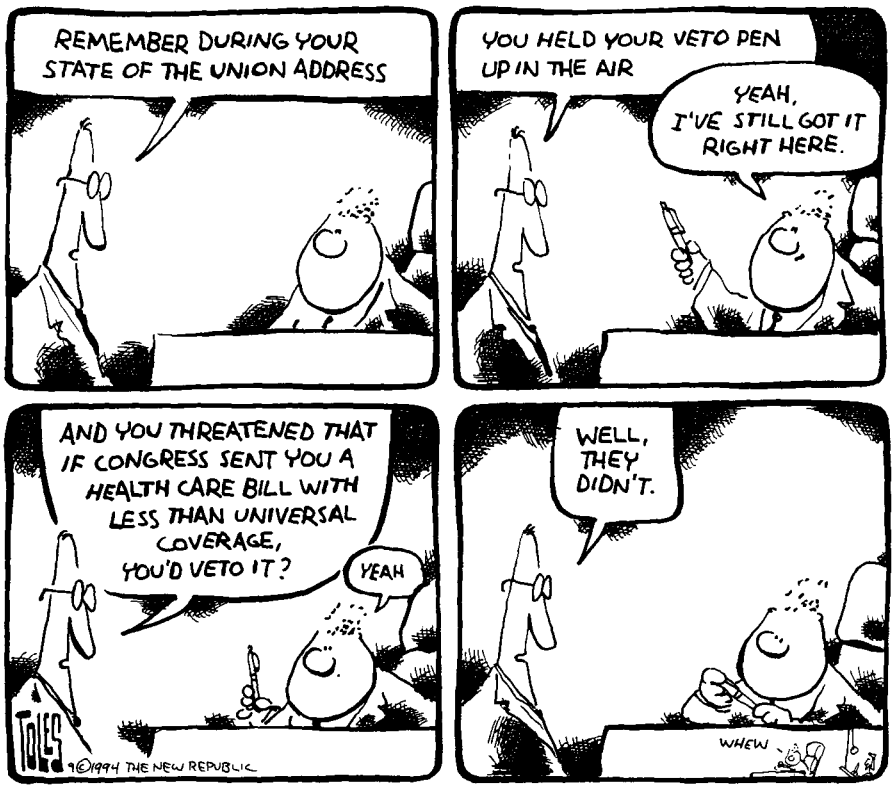
NOTEBOOK

SIC TRANSIT: Health care reform legislation was diagnosed dead. Eight armed Haitians were killed after confronting U.S. Marines without identifying themselves. Lawyers for Rodney King requested compensation from the city of Los Angeles for being interviewed by journalists and appearing on the "Oprah Winfrey" and "Phil Donahue" shows. Walt Disney Co. received zoning approval for its planned American history theme park. Electricity was cut off at the central command for Russian strategic nuclear missiles because of unpaid power bills. The U.S. Naval Reserve ran out of money and asked 20,000 personnel not to report for duty. Pittsburgh psychiatrist Ernest Hendrickson said he will appeal conviction on thirty-six counts of harassment for sending "Happy James Earl Ray Day" faxes to the NAACP and other organizations. The air traffic controllers union, representing a controller who claimed to have been groped by female co-workers during a sexual harassment awareness training session, settled its grievance with the FAA. Dutch citizen Johannes van Damme, 59, was hanged in Singapore for heroin smuggling. Moscow's Institute of Biological Structures began work on embalming Kim Il Sung. NATO jets destroyed an empty Bosnian Serb tank as retribution for attacks on United Nations troops. A New York City Council study concluded that one-third of the city's youths between 12 and 21 are likely to carry a gun. Three hundred thousand people fled a plague in Surat, India. A CIA investigation concluded former spy Aldrich Ames exposed fifty-five secret U.S. and Allied operations over a period of nine years. Agriculture Secretary Mike Espy reimbursed an Atlanta museum and the American Crop Protection Association a total of $1,150 for four Super Bowl tickets and an overnight stay at a resort. Official 1994 World Series baseballs went on sale.


REMEMBER DURING YOUR STATE OF THE UNION ADDRESS
YOU HELD YOUR VETO PEN UP IN THE AIR
YEAH, I'VE STILL GOT IT RIGHT HERE.
AND YOU THREATENED THAT IF CONGRESS SENT YOU A HEALTH CARE BILL WITH LESS THAN UNIVERSAL COVERAGE, YOU'D VETO IT?
YEAH
WELL, THEY DIDN'T.
WHEW
TOLES
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TU-TU-TUTSI GOODBYE:

Hutus reportedly feeling Rwanda again

—*The Boston Globe*, September 28

JIMMY'S WORLD: Jimmy Carter's office in Atlanta is not releasing the text of the former president's 1990 letter, in which he asked the leaders of France, China and the Soviet Union to use their U.N. Security Council vetoes to block the use of force against Saddam Hussein. Carter sheepishly concedes this undermining of American policy "was not appropriate perhaps," but insists his letter asked only that force be blocked until all "good faith" efforts at negotiation had been exhausted. What sort of deal with Saddam did Carter have in mind? In an October 22, 1990, *Time* article, Carter backed "an Arab plan" under which Arab troops would replace Saddam's forces in Kuwait and, to maintain moral equivalence, American forces in Saudi Arabia. Then the Kuwaitis could have a referendum on joining Iraq. Carter acknowledged that both sides already had rejected the idea, but that didn't dissuade him from calling for more talks, which Saddam surely could have used to buy time. And who should be the mediator in the talks? A misunderstood autocrat, of course. Carter's choice was King Hussein of Jordan, "an honorable and peace-loving man who does not deserve the harsh treatment he is receiving."

HELLO, SAILOR:

Atomic bombers criticize Enola homosexual exhibit

—*The Northwest Herald*, September 5

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THE JOSHUA TREE: "What really got to us was watching these hearings—they were talking *down* to him." So says the self-styled Brian X, one of the founders of the Save Josh Steiner Committee, a "network of *really* angry twentysomethings who are fighting to preserve the rights and dignity of our oppressed generation." (Committee executive members all use the X pseudonym "to get Josh out in the forefront, not us.") What Anita Hill was to an entire swath of enraged women, Joshua Steiner is to a brigade of embittered post-adolescents. His spectacularly embarrassing testimony to Congress notwithstanding, Steiner is a hero to a generation that has specialized in sucking up its way to the top. The Gen Xers' efforts to date include *The Steiner Diary*, a newsletter "Dedicated to Truth, Justice and Josh," and the still-on-the-drawingboard "Rock for Josh—Three Days of Peace, Love and Josh," set for Cambridge, Massachusetts, next spring. As of press-time, the organizers of Joshstock '95 had not yet managed to inform their hero of their intentions.

LATE ENTRY IN THE BORING HEADLINE CONTEST:

Lunch Tray Program Unchanged

—*The Daily Mail*, of Catskill
(Late entries will regularly be considered for inclusion in the Notebook.)

DID WE MISS THIS IN THE CRIME BILL?: Marc Siegal, a freelance T.V. news photographer, spends eight hours a night cruising Miami's sidestreets, listening to his police scanner and videotaping street-crime. And he's decided to invite others along for the ultimate interactive crime experience. "It gets kind of lonely driving around all night," he explains. But there's a larger goal. "The world's gone mad and no one wants to 'fess up to it. I want to see more attention focused on how crazy urban life has become. If journalists take this tour, they'll report on that. Also, I could use the hundred bucks." So far, alas, there have been no takers.

PORK WATCH: Harold Rogers, the ranking Republican member of the House appropriations subcommittee that controls the Department of Commerce's purse strings, has made sure that his hometown, Somerset, Kentucky, receives some of the department's largess. Lucky Somerset soon will be home to a United States and Foreign and Commercial Service district export assistance center, designed to aid small- and medium-size businesses. That's fine as far as it goes, but it would probably go a lot further in cities like Cincinnati, Charleston, West Virginia, and Pittsburgh, all of which have populations slightly more robust than Somerset's 11,400 souls. •

THE FLAPJACK FILE

GREEN AND SANDY

By Douglas G. McGrath

Thursday, September 15

I would really have to rack the Duke brain to find a time in all my days as a Secret Service agent when I've seen a First Lady in worse shape than Mrs. Rodham-Flapjack. It's not that I haven't seen First Ladies get upset. We all recall how mad Mrs. Shrub got that time in Paris when someone forgot to stock her purse with those little canned sausages she liked.

But poor Mrs. Rod! Ever since Flapjack gave a speech promising never to give up on health care reform, immediately followed by a meeting at which he tried to figure out how to give up on health care reform, she has been swaying on the sanity tightrope. She finally fell off when they burned the plan (the fire went three days) and drove Mr. Magaziner out of his office. (It's the first time they've ever used tear gas inside the White House).

She came out of personal quarters last night in her regular sleeping outfit (studded leather bikini top and judo shorts) and wandered the halls with a candle, saying, "Send my task force in—yes, senator, I'd be happy to explain regional alliances—insurance companies are *eeeeevil*! Harry? Louise? Mama?" Today she's even worse. Christophe was here and asked if she wanted to try something new for her hair. *She said no.* When Flap heard this, he burst into tears. "Somebody call a doctor!" he said. The Rod backed up against the wall, clutching the Coolidge drapes. "Never say 'doctor' again!" she said.

Later, Flap gave a speech in which he told the Haitian leaders their time was up and that we would now send troops. The speechwriters had a hell of a time writing this one. They kept getting stuck with the part where Flap would go, "When I say it's time to go, that means it's time to go. Just ask...." That's when they hit the wall. They couldn't put "the butchers of Bosnia" or "the warlords of Somalia." For a while they had "Dee Dee Myers," but that didn't work either.

After the speech, Flap ran to the Oval Office. "Did they call? Have they ceded power?" Mr. Steph said only Jimmy Carter called. "That's no good," Flap said testily. "He's *already* out of power! I can't get credit for that!" Mr. Steph said Carter wanted to go to Haiti and negotiate. "I know we all complained about it at the time, but he didn't do a bad job in Korea," Mr. Steph said. "Right after he left, Kim died."

Carter's going to Haiti.

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Saturday, September 17

Flap spent the day on speakerphone with Carter, Nunn and Powell from Haiti. Twenty minutes after landing, Carter called and said, "President Clinton, you can call off the invasion. Cedras is really nice! The problem is that we have been demonizing the situation. We have not treated these people with love. Look what we call their country: the first syllable is Hate. The last syllable is "ee," a noise you make when you see a mouse. No wonder they haven't wanted to communicate with us. But Cedras is a kind, good man. He has a *cardigan*!" There was a pop and Flap said nervously, "What was that?" Gen. Powell said that Cedras had just shot a dog. "America made him do that!" Carter said emotionally. "We treated him like a dog and now to prove he's not a dog, he has shot one!" When Powell asked how shooting a dog proved he wasn't one, Carter said, "Dogs can't shoot guns."

Flap said, "Sam, what do you think?" and Nunn said, "Personally, Mr. President, I'm concerned about Cedras. He surrounds himself with a lot of muscular men with butch haircuts—" Gen. Powell said irritably, "Sam, would you lay off? Those are soldiers!" Nunn must have still been worried because Carter said, "Sam, what about his wife? She is a stunning and alluring woman." Nunn said, "You don't think she's a beard?"

Flap, a little irritated, said, "The *invasion*, please?" Carter said, "I've written a poem that I want to read him. I'm sure it will bring him around. It goes like this:

Green and sandy, tropical Haiti
Once really nice, now not so greatee
With sanctions and violence, your honor we defamed
Of the country that unelected me, I'm so ashamed
I brought peace to Sadat, not to mention Begin—
Did the U.S. go insane replacing me with Reagan?
Reagan! Reagan! Deficits and lies!
I hate that guy and I'm not kidding!
He makes me sick!
He's so wrinkled and stupid—"

I was distracted at this point because the door opened and Mr. Carville and Ms. Matalin came in. Mr. Panetta tried to shoo them out but they wanted the office for a photo-op to publicize their book. Mr. Panetta told them that if they needed an office, they should use either Mr. Lake's or Mr. Christopher's. "But please," he said, "just don't wake them."

Saturday, September 24

The Haitians agreed to leave office. Gen. Powell said Cedras cracked in the middle of the thirty-fifth stanza of Carter's poem. "This has got to stop!" he shouted wildly. "I'm ready to leave the country!" When Carter said, "I'm leaving, too, you want to fly with me?" Cedras decided to stay.

When Flap went in to tell Mrs. Rodham-Flap the good news, he gasped and clutched my arm. The sight was pathetic. She was reading *Barbara Bush: A Memoir.* And there was a yellow highlighter in her right hand.

DOUGLAS G. MCGRATH is a frequent TNR contributor.

The Bosnians' troubling retreat.

EMBARGOED

By George Kenney

Last week the Bosnian government stunned its sympathizers around the world by half-dropping its core foreign policy tenet—that the United Nations arms embargo be lifted. Faced with a real prospect of U.N. peacekeepers pulling out if the ban were lifted, the Bosnians decided they preferred having international protection for at least another six months. This may mean they realize they can't win the war and must settle for significantly less than they have always demanded. Or it could mean they are trying to buy time to acquire more arms covertly, hoping the Bosnian Serbs gradually weaken as pressure from the West and from Belgrade takes effect. Either way, the crack in rhetoric matters: American intellectuals who have passionately argued for lifting the embargo, including this magazine, need to reconsider whether, under the new circumstances, doing so would be a reasonable thing.

The cause of lifting the arms embargo has been kept alive by our collective—and deserved—shame at not having done anything substantive to prevent the last two years of graphic carnage. But shame at what has happened already should not determine what we do now. Had the U.N. never imposed an arms embargo on Yugoslavia in September 1991, never gotten involved in the war and just let the different sides arm themselves to the teeth and fight it out, the war might well be over, the reconstruction phase firmly begun. Removing an initial harmful constraint now, after so many other constraints have been imposed, won't return us to initial conditions.

What, we have to ask, could a simple lifting of the embargo actually accomplish? The Muslim army is better trained and equipped, better organized and disciplined and more mobile than it was two years ago. Small arms, sophisticated "smart" mortars and light anti-tank weapons would improve its fighting capabilities. To push the Serbs back, however, the Muslims need tanks and heavy artillery. Learning to operate that equipment isn't easy; using heavy firepower in combination with infantry assaults requires extensive training and experience. The Muslims couldn't develop these skills for at least a year, maybe longer.

Meanwhile, the Serbs would be back on the offensive. In the past year or so the U.N. has acted as a kind of buffer against major Serb attacks, but with the embargo lifted, the U.N. would either leave or drasti-

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cally retrench. NATO certainly won't pull together a consensus to support arms deliveries with air strikes. Could the Muslims, unaided, resist a ferocious Serb onslaught? Recent comments by Bosnian President Alija Izetbegovic echo some of these fears; recent comments by some Bosnian Serb military leaders, not surprisingly, support lifting. Anyway, we must recognize the substantial risks involved.

Defenseless eastern Muslim enclaves probably would fall fast. Already, the Serbs are probing the "Bihac pocket" in northwest Bosnia, where they may be preparing a new offensive. In many front-line areas the Serbs are using helicopter "convoys" to stock up their fortifications (the U.N., as usual, has taken scant notice, despite this being a "no-fly zone" violation). We can also expect renewed heavy shelling of Sarajevo. A surge of heavy fighting would most likely shrink Muslim areas to a central Bosnian stronghold, based around the industrial towns of Tuzla and Zenica. Over the longer term, could the Muslims break out to reclaim eastern and northern Bosnia? Not without Croat help—and that doesn't seem forthcoming.

In a series of flip-flops over the arms embargo the Croatian government has consistently signaled its intentions in Bosnia. It was understandably against lifting the embargo when Muslims were fighting Croats. After last spring's "Washington agreement" glued together a Muslim-Croat union, Croatian President Franjo Tudjman came out in favor of lifting. Now, again, he opposes it. Tudjman's spring switch was contingent on the West's fulfilling commitments to the Muslim-Croat union outlined in the Contact Group's settlement plan, namely, Western ground troops to force Serb territorial concessions in Bosnia—a lot of which would go to Bosnian Croats. Croatia's bottom line has been unwavering: get control of as much land in Bosnia as possible, then from a position of relative strength, leverage recovery of Serb-occupied areas of Croatia. Zagreb may have understood all along that the West wouldn't send troops, and agreed to the plan just to placate the Americans and avoid potential sanctions directed against Croat aggression in Bosnia. Tudjman could have expected that in due course the plan would fall apart under its own weight, and that then Croatia could pick up the bits of Bosnia it wants. Or he may have been naïve about Western intentions. Whatever the case, he seems willing to risk provoking Muslim ire by again opposing lifting, despite also risking a large Croat share of the blame for the union's collapse.

The arms issue is absolutely crucial for Croat-Muslim relations, because the Muslims are dependent on Croatia for arms smuggling. If the "Washington agreement" had ever been durable, it would have brought close military cooperation, including heavy weapons transfers. But after it was signed, the Croats didn't open up the arms pipeline or pass on more than token numbers of heavy weapons. Indeed, the only noticeable change was a slight price decrease in smugglers' bribes to Croatian authorities. The Croats don't appear willing to trust the Muslim-dominated Sarajevo regime to share power. Nor do they want to side with the long-term losers, regardless of whether the vanquished are Muslims or Serbs.

Despite September's high-profile diplomacy by Tudjman and Izetbegovic to "repair relations," both sides are preparing what they call "defensive" military positions. And despite stern Western warnings about possible sanctions, Zagreb may well resume its aggression in Bosnia. Ironically, a Security Council decision lifting the embargo could prompt the Croats to decide even sooner to rejoin with Serbs in attacking Muslims, especially if Zagreb felt Muslim territorial control was getting shaky. (On the other hand, if Tudjman thinks a resurgent Muslim army could pose a threat, to defuse it he might resuscitate the union; but that's unlikely, because of the time lag before the Muslims could become a potent force.)

Of course, all this bears on how to deliver arms to Bosnia, and who does it. Lifters can't expect Western Europeans, who don't want to arm the Muslims, to challenge Croatia over border controls on arms transfers (heavy armor must enter over land). Nor is the United States likely to strong-arm the Croats. If the embargo is lifted, the toughest part of the job—maybe even the whole job—probably would be left to those Islamic states friendly to the Bosnian cause.

Some of the more radical ones, such as Libya and Iran, might want to challenge Croatia over border issues. At the very least, the radicals would supply large quantities of light arms, which could be delivered by air. With lifting, therefore, we could expect radical Muslim influence to increase as the Bosnian military becomes indebted to fundamentalist suppliers. Early advocates of lifting proposed a number of safeguards to assure that newly armed Muslim units fight according to internationally accepted rules of war. Now, adding radical outside influences to the revenge already on their minds, who would stop Muslim units from perpetrating counter-atrocities?

The kind of back-and-forth fighting we could expect to go on for years would not restore Bosnia to anything like the status quo ante. To the contrary, it assures the end of traditional Bosnian society's ethnic diversity and reasonable tolerance. Polarizing forces will dominate, leading to a possible—perhaps inevitable—semi-permanent ethnic division of the region. In the worse version of this scenario, some U.N. officials see the long-run impoverishment of Bosnian Muslims in scattered ghettos, like a string of tiny Gaza strips.

Like it or not, those who support lifting the arms embargo have to realize that as far as Bosnia goes, the Muslims have lost the war. Unlike Washington politics, there's no second chance. We aren't doing the Muslims any favors by encouraging them to keep fighting with inadequate means; rather, we're helping ensure the misery of millions of civilians, most of whom just wish the war would end whatever the terms. Put another way, a settlement will become possible once the Sara-

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jevo regime reconciles itself to the unfairness of international politics. The moral virtue we seek may rest not in inflexible principle after all, but in the Muslims' ability to carry themselves with honor through defeat in an evil and, once upon a time, avoidable, situation.

GEORGE KENNEY, a career foreign service officer and Yugoslav specialist, resigned from the State Department over Balkan policy in 1992.

ON THE HILL

BROKEN CONTRACT

By Weston Kosova

Newt Gingrich says September 27 will go down in history as the day more than 300 Republicans signed the solemn "Republican Contract with America" before God and man on the steps of the Capitol. Well, maybe. But as anyone who squirmed through the two hours of cued enthusiasm and prompted applause can tell you, the annals will record something else about that sunny Tuesday morning: it was hot out.

The scores of contenders flown in from around the country to provide fleshy support lined up on the west steps before the 11:00 start time. Tactical error. The ceremony started late. The sun arced higher. Manicured fingers tugged at sagging white collars. Drops of sweat fell on vibrant red ties. From the yet unfamiliar faces on the dais, one glistening pate shone forth. It was Sonny Bono, Republican of Palm Springs, who is making his bid to succeed fellow Republican Fred "Gopher" Grandy as Congress's reigning 1970s T.V. icon. (Grandy stepped down to run for governor in Iowa. He lost in the primary).

Down below, young men and women, snappy in black tie and sneakers, patrolled the crowd of onlookers. "People keep asking me directions to the Metro. They think we're ushers!" said one, frustrated. "We're not ushers. We're protesters." College Democrats, it turns out, there to stand up against the Contract with America. "Contract for Cash is more like it," he went on. "The Republicans are feeling fancy, like this. So we thought we'd dress up to show what a joke it is." Uh-huh. "Oh yeah," he added. "We're available for press."

Meanwhile, back at the press table, GOP staffers handed out necklaces strung with enormous orange PRESS tags. "A little ungainly, aren't they?" one reporter chided. "You're lucky we went with those," the aide said, drawing concentric circles on her chest with a finger. "We were going to give all of you big targets."

The ceremony began. Outgoing Minority Leader Robert Michel lamented he wouldn't be able to accompany his colleagues "into the promised land" of the "people's" Congress. Representative Henry Hyde prayed for a Republican majority. Representative Dick Armey quoted Churchill. Then more speeches. Many more. "Isn't an essential part of the American dream the freedom from fear?" intoned Megan O'Neill, a candidate from Mississippi. Polite applause. "Shouldn't we do more to protect and strengthen the American family?" asked Jean Leising of Indiana. More polite applause. "Isn't it time we sent the professional politicians a message—that politics shouldn't be a lifetime job?" questioned Jim Deats of Texas. Enthusiastic applause from the crowd. Throat-clearing from the dais. The speeches continued, introducing each of the contract's ten points, before Gingrich emerged for the winding finale. By then, the candidates had been basting in the sun for an hour and a half. Sonny Bono's forehead looked good enough to eat.

Throughout the ceremony, one thing was notably absent. With the exception of Armey, virtually no one uttered the word "Republican." Indeed, the word was nowhere to be found in the twenty-page script the GOP released to the press. It was even stricken from the huge backdrop, an outline of America bearing the plan's title. It read, simply, "Contract with America." This wasn't an oversight. Mentions of the party were excised deliberately, on the advice of Frank Luntz, the Republican pollster hired to assemble the package. Luntz explicitly warned against using the Republican tag. "Not a single focus group participant liked the word Republican—not even the registered Republicans!" he wrote in a September 2 memo to the leadership. "In fact," he continued,

> if the focus group had its way, the word Republican would have been removed from the text in its entirety.... The party name should not (and does not) appear frequently. Readers should realize that this is a Republican document, but the party name should not be so prominent it destroys the message.

The warning was just one of many crafty bits of wisdom Luntz offered the Party. Republicans may cast the Contract with America as a simple list of heartfelt convictions, which happens to coincide neatly with the beliefs of most voters; but in truth, it's the other way around. Luntz's shop spent months running polls and focus groups in search of issues and slogans with the broadest voter appeal. Those that glowed brightest on Luntz's screen—a balanced budget amendment, term limits, tax cuts, welfare reform—won a spot on the list.

Gingrich hatched the idea for the event last winter, at a Republican retreat in Salisbury, Maryland, where Luntz gave a blistering speech about the party's image problem. The minority whip tapped Luntz to winnow the most popular issues among voters and Republican candidates from a list of about seventy that the Republi-

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It Takes A Camera In The Courtroom To Keep The Cameras Outside Honest

In the O.J. Simpson case, Rupert Murdoch's New York Post has used an "OJ-Ometer" to measure how the defendant is doing day by day. And on his Fox TV network, "A Current Affair" has had a psychic reading Simpson's facial expressions.

Meantime, other newspapers and "reality" television shows report every leak trickling down from any source. And they interview anyone who's got a story to sell. So we hear about a bloody golf bag that's really fiction. Or a mask that never existed. Or a planned defense strategy that's really a defense trial balloon.

Who knows what else we're going to see as the Simpson case comes to trial?

But it's not just the Simpson case that shows some of the media at their worst. These days in any headline case, blow-dried anchors at 6:00 and 11:00 and their tabloid counterparts use soundbites of the lawyers' spin control sessions on the courthouse steps, or photos of the gory crime scene, or distorted over-simplifications of verdicts and court decisions to summarize what's happening in our country's crucial, complex battle to balance crime-fighting with justice.

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And when we're done, we edit some of it into educational tapes and CD-ROMs used by students from grade school to Harvard Law School.

Some Courtrooms Are Closed

But there's a problem. We can't always cover a trial. Because our cameras are still not allowed the freedom to come to court that the tabloids are with their reporters' pads, or that cameras are when they go to a prosecutor's press conference, or a defense lawyer's spin session, or onto the set of a made for TV docudrama (where you're never told which is the "docu" and which is the drama).

In places like Illinois, Louisiana and Indiana, cameras are still banned in trials. In the federal courts, a successful experiment has now been conducted in some places for civil trials, but a committee of federal judges has nonetheless recently voted against allowing cameras on a permanent basis. (Which means unless that committee reconsiders or Congress changes the law, we couldn't show you the Dan Rostenkowski case or an important civil rights or antitrust case).

And even in New York cameras are only allowed under an experiment that will lapse this January unless the legislature votes to allow open courtrooms permanently. Which means that the courts may be closed to cameras in the supposed media capital of the free world even as cameras are allowed in Moscow, Sarajevo, and most of the United States.

Help Us Open The Courts

We think that with the circus atmosphere surrounding trials today, cameras inside the court are needed more than ever.

After all, why leave coverage of the most misunderstood branch of government to Rupert Murdoch?

If you agree, please write your legislator.

Or, help us open the courts by joining Citizens For Court TV, our citizens' advocacy group. For information on cost-free membership call 1-800-9COURT1. Don't leave these trials to the soundbiters and spinmasters and docudrama writers.

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can conference, under Armey's direction, had assembled. "We organized and wrote the questionnaire for the House members and the challengers," Luntz says. "We also did a quantitative study for all the various issues. We then did qualitative testing, asking them about the concept of a contract. About this program. Would they believe it? What would their expectations be? Would it address public cynicism?"

Luntz has also been active in spinning the project. In a *Wall Street Journal* op-ed, Luntz, identified only as "a GOP pollster who worked for Ross Perot," wrote gushingly about the contract, while lavishing praise on Gingrich. He's also a master at another political skill: the ability to brag and self-deprecate simultaneously. "I mean nothing," he says. "I am merely the voice for what I see and hear."

The trouble for the Republicans is, what Luntz sees and hears is fairly accurate. Polls show voters do like the issues in the Reaganesque contract. (Another triumph of hope over economic reality.) But not all Republican pols do, especially term limits. Hyde has come out explicitly against them, and even Gingrich says any term limit provision would grandfather in existing members. "We didn't try to get ten issues everyone could agree on," says Kerry Knott, executive director of the Republican Conference. "It would be a very bland document if we could get something everyone could agree on."

As a result, some incumbents began backing away from the contract even before it was unveiled. As a concession to term limit balkers, the contract doesn't promise voters that a Republican Congress will actually pass the bills in the package, only bring them up for a vote. Republicans can vote against every provision in the contract and still live up to its terms. The contract's centerpiece pledge is equally cynical. "If we break this contract, throw us out. We mean it." Big deal. Voters can already boot anyone they don't like, contract or no. If Republicans were really serious, they'd promise to quit. •

CAMPAIGN '94

EARTHQUAKE

By Fred Barnes

President Clinton isn't the only drag on Democrats in the midterm election on November 8. There's something worse: partisan realignment. The same trends that have given Republicans an advantage in electing presidents for more than two decades—an advantage George Bush frittered away in 1992—are now at work in races for the House of Representatives. What GOP pollster Richard Wirthlin once called a "rolling realignment" is rolling again. And this, rather than dislike of Clinton, is the reason Republicans have a shot at capturing the House (forty seats needed) for the first time in forty years and at making House GOP leader Newt Gingrich the second most powerful politician in Washington (behind the president but ahead of Senate GOP leader Bob Dole).

For sure Clinton is no boon to Democrats. The rule of thumb is that when a president sneezes, his party catches a cold. But that would account for a loss of fifteen to twenty House seats at most, slightly more than the recent average loss (twelve) for a party in the first midterm after it takes the White House. But Democratic damage may be double the norm because the structure of House elections, which currently helps the Democrats, is crumbling. Under a string of Republican presidents, clever use of incumbency kept Democrats in office in conservative, GOP-leaning districts, particularly in the South. Now, instead of a Republican to play off, Democrats are automatically linked to an unpopular Democratic president. Add to that the anti-Washington political environment, and incumbency is no longer an enormous asset. The result: roughly eighty of the 257 Democratic House seats are vulnerable, twice the normal number. Faced with a nasty re-election fight, many Democrats, again especially in the South, have retired, making their seats all the more vulnerable.

There's still more bad news for Democrats. The on-again, off-again drift in voter sentiment from Democrat to Republican has accelerated since Clinton took office. In Wirthlin's national poll in early September, 39 percent of voters identified with the GOP, 38 percent with the Democratic party. That's a big shift from the months after Clinton's election in 1992, when Democrats held an eight- to twelve-point edge. Republicans, who trailed by twenty-three points before Ronald Reagan's election in 1980, almost achieved parity in the mid-1980s. Then the gap in party I.D. widened during Bush's presidency. Another critical measure is which party's congressional candidate the public intends to vote for. In recent years, generic Democratic candidates have held a six- to eight-point advantage. But in Wirthlin's new survey, voters favored generic GOP candidates by 42 percent to 38 percent. "I don't remember that measure ever favoring Republicans," says Wirthlin.

Until this fall, Democrats thought they had short-circuited the GOP realignment that began in 1968, and even generated a Democratic tide with Clinton's election. The Republican era, the theory went, produced GOP presidents, plus a Republican Senate from 1980 to 1986. But the realignment, in Kevin Phillips' phrase, was "split-level," never reaching the House, governorships or state legislatures. And the Republican wave crested with Reagan and crashed with Bush. By attracting followers of Ross Perot and capitalizing on a new mood in favor of activist government, Clinton could forge a majority coalition. It hasn't worked out that way, though. The president has failed at wooing Perotists, and Perot himself has become an annoying critic.

Democrats were also breathtakingly wrong in reading

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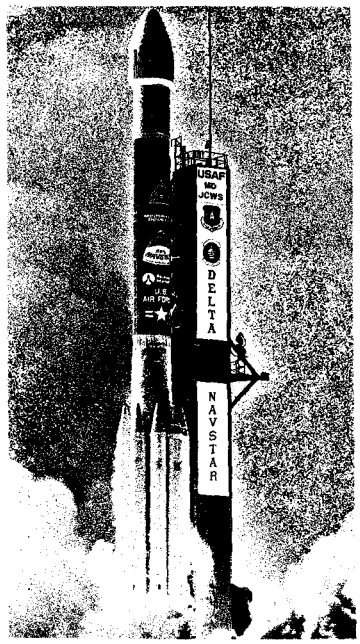

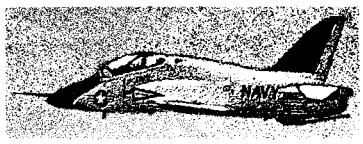

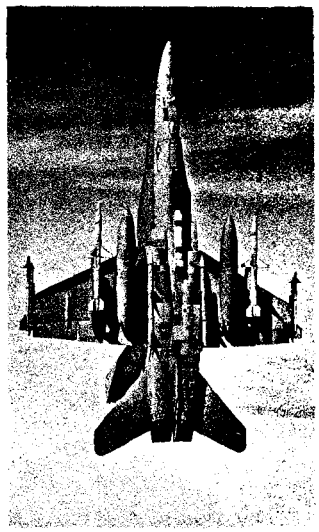

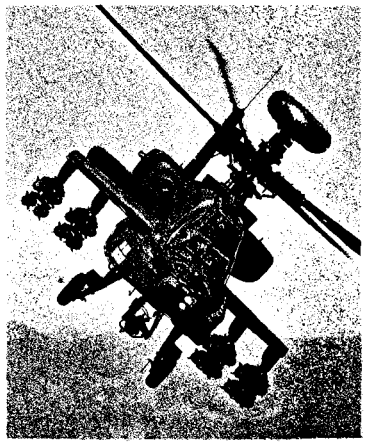

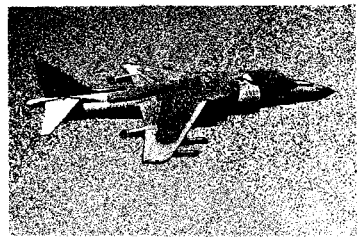

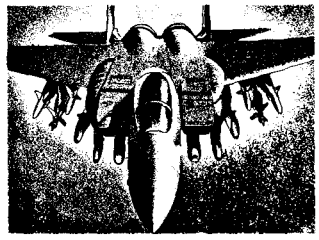

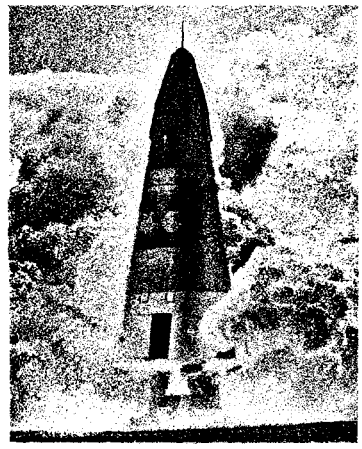

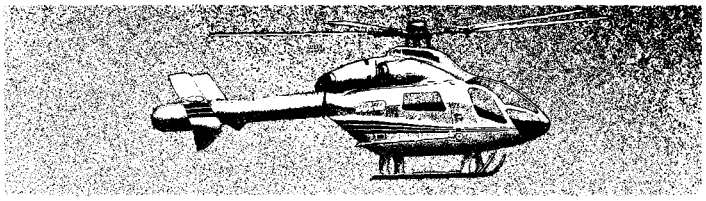

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the public mood. They bought the line of historian Arthur Schlesinger Jr. that Clinton's election marked "the arrival of a new liberal phase." Schlesinger has popularized the idea of a thirty-year cycle in American politics: twenty liberal years in which large public purposes are stressed, followed by ten years of "conservative restoration" when private interests are paramount. Shortly after Clinton's election, Schlesinger wrote in *The Wall Street Journal*: "Soon, if the usual rhythm holds, the liberal tide, in the 1990s as in the 1960s, will run in full flood."

What's running in full flood is a conservative tide. Instead of craving comprehensive programs such as health care reform, the public distrusts anything Washington produces. In 1958, 73 percent of the public said the government in Washington could be trusted to do what is right most or all of the time. In 1980, only 25 percent believed that. And in an August survey by GOP pollster Frank Luntz, only 2 percent said they trust the federal government. In this climate, Republicans are in the driver's seat.

In fact, Republican consultant John Morgan has compiled a list of nearly sixty "Republican" House seats—where voters favor Republicans in presidential and many statewide races—that are held by Democrats. This year Republicans have a shot at winning half or more of them. "The door is open," argues John Pitney, a political scientist at Claremont McKenna College who has chronicled the woes of congressional Republicans. "Ironically, what pushed it further open is losing the White House." Instead of subordinating themselves to a GOP president, as congressional Republicans were forced to do from 1980 to 1992, they're free to forge their own identity. It's a negative one—anti-Washington, anti-Clinton, anti-tax—but then midterm elections often turn on voter dissatisfaction.

In ten of the sixty seats, Democratic incumbents are retiring, virtually handing the districts to Republicans. Democrat Earl Hutto is quitting the Florida seat he has held for eighteen years, a district that gave Bush 73 percent of the presidential vote in 1988 and 51 percent in 1992. Naturally, whichever Republican wins a primary runoff on October 4 is favored to succeed Hutto. In the South Carolina seat being vacated by Butler Derrick, GOP State Senator Lindsey Graham is expected to win. Bush got 66 percent there in 1988, 51 percent in 1992. The Georgia district Roy Rowland is leaving points out another Republican advantage. Bush got only 45 percent there in 1992 (Clinton got 40 percent), but reapportionment created two black districts, partly by grabbing reliably Democratic black voters from Rowland. His district's voting population was 36 percent black in 1990, but only 21 percent in 1994. Rowland is probably the only Democrat who could win the new district. There are similar stories in North Carolina, Mississippi and Tennessee.

Democratic incumbents running in conservative districts normally hide their ties to the national Democratic Party, but that's difficult with a Democrat in the White House, as Martin Lancaster found out. Lancaster, who represents rural North Carolina, conferred with the White House on health care and a possible tobacco tax, only to find his contacts recounted in *The Agenda*, Bob Woodward's book on Clinton's first year. Lancaster was promised that any proposed new tax on tobacco would be matched by a tax affecting some other region. The promise was fudged. A Republican consultant, Mark Rotterman, littered the district with copies of the five paragraphs in *The Agenda* on Lancaster's deal with Clinton. Lancaster, who also lost a chunk of black voters, has no better than a fifty-fifty chance of re-election.

"The earth, the moon and the stars are all aligned" for Republicans, says Wirthlin. "It makes me a little nervous." It should. Republicans are given to wretched excess in campaigns. They've already overdosed on Clinton-bashing and anti-government tirades. If they win fifteen House seats rather than thirty to forty, that will amount to blowing the election. And this time, they will have only themselves to blame. •

JERUSALEM POSTCARD

GONE SHOPPING

By Gershom Gorenberg

I recently had to trade in my daughter's gas mask. She'd turned 3, which meant switching from a toddler's waist-length suit to a preschooler's hood-plus-air-filter. The Israeli army's Home Front Command sent me a postcard summons to its local station. There, in the spartan room—a large flag, bare plasterboard walls, concrete pillars, battered tables—a female soldier, chewing gum, tapped my daughter's I.D. number into a computer; another checked that I had brought everything back, including the syringe of nerve gas antidote and the army-issue baby bottle. I was given a new box and handed a printout to sign. Five minutes after coming in, I stepped back into the mall.

"Marks and Spencer end-of-the-season sale!" the P.A. system boomed. In the music store, preteen boys banged on drum sets. Nearby, Caprice Jewelry showcased pearl rings at 30 percent off and Home-Li housewares offered designer wastebaskets for the bathroom. In Ben and Jerry's, a couple in their late teens shared a sundae. It was, in short, a generic mall—except for the Home Front Command's second-floor station.

This incongruity illustrates Israel's simmering national identity crisis. The mall is one of several dozen that have sprung up in the country since the mid-'80s.

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Where We Stand

By Albert Shanker, President
American Federation of Teachers

Business Makes Sense

Restore the academic mission of the schools: That's the principal message of the Committee for Economic Development (CED)'s powerful, important—and politically incorrect—new report, "Putting Learning First: Governing and Managing Schools for High Achievement."

This idea might seem pretty obvious, but many people around the schools still frown at the mention of "academic mission," perhaps imagining it to be a quaint idea inserted in *A Nation At Risk* by Ronald Reagan. And the majority believe that the chief purpose of the schools is the socialization of youngsters—teaching them how to get along together rather than how to do math or science.

This view of schooling is one reason why the movement for full inclusion, which would place youngsters with disabilities in regular classrooms, regardless of the severity and nature of the disability, has gotten as far as it has. If the major purpose of school is to help the kids with their social development, it won't matter if a class of fourth graders falls behind in math and reading because a youngster who has a behavioral disorder disrupts the class every day; it's all right to sacrifice academic achievement if kids are learning to be nice to one another. Given this view of what school is for, CED's insistence that the academic mission should be at the center of our educational arrangements is refreshing and important.

CED's insistence that the academic mission should be at the center of our educational arrangements is refreshing and important.

The report's attack on federal, state and local rules governing education is a relatively easy hit. But CED doesn't talk simply about freeing schools from ritualistic compliance with rules. Once the regulations are substantially reduced, CED would replace them with a system of incentives that would get everyone pulling in the same direction of academic achievement.

"Putting Learning First" talks about group incentives for professionals, but, more important, it is the first national report to talk about creating real incentives for students. As we know, most U.S. students don't achieve at very high levels because they don't work very hard. There's no point to it. Unless a student wants to go to a selective college, he will have no trouble finding a college to admit him, no matter how poor his grades are. And because civil rights laws make it problematic for employers to use high school records in screening applicants, recent graduates who look for jobs also find that their school record—whether good or bad—doesn't count.

CED suggests that we make it worthwhile for students to work in school by raising college admission standards to the point where students entering college are actually capable of doing college-level work and by making student loans and grants contingent on achieving those standards. The report also says that employers should start considering the school achievement of job applicants, and it asks the courts to consider changes in civil rights laws to make this possible.

Since CED is an important business group, you might think it would come out in favor of vouchers, which would allow parents to use public money to send their children to private schools. But while the report recognizes the important contribution of private schools, it considers public schools the primary means of educating the majority of young Americans. And it fears that diverting money to vouchers will make it harder to bring about the necessary improvement in the public schools.

You might also look for a business group to hit teacher unions and perhaps even attack collective bargaining, but again the CED report goes against the grain. "Putting Learning First" does call for a change in the nature of collective bargaining so relations between teachers and the administration will be less adversarial. But it recognizes an important role for teachers and unions in planning ways to improve student learning and managing the schools.

Finally, the delivery of social services to youngsters in school is one of the motherhood ideas now sweeping the country. Given the chaotic families many students come from, why not make schools a one-stop center where students can receive their psychiatric and medical care and learn how to take care of their infants? The CED report rejects this idea because, as it points out, we have already seen the results of meeting every new social problem by expecting schools to deal with it. The more we demand of the schools, the report observes, the less they are able to achieve their primary mission—educating students—and it calls for limiting the non-educational services offered at schools to those that have a direct effect on student learning.

"Putting Learning First" raises tough issues about the purposes of education and how to achieve them. Since the issues are controversial, the report should provoke a national debate. But unless the issues are resolved along the lines CED suggests, we cannot expect our schools to improve.

For a copy of the report, send $17.50, plus $1.75 for postage and handling, to CED, 477 Madison Ave., NYC 10022; tel. 212-688-2063.

Mr. Shanker's comments appear in this ad under the auspices of the American Federation of Teachers. Reader correspondence is invited. Address your letters to Mr. Shanker at the AFT, 555 New Jersey Avenue, N.W., Washington, D.C. 20001. © 1994 by Albert Shanker.

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Like their Western counterparts, they are sanctuaries of materialism, of life lived in the individual satisfactions of buying and consuming. Over the past decade, economic growth has averaged 4 percent annually. Yet wealth seems to have leaped unexpectedly into the range of vision; it is only with peace breaking out that we pay attention to the comforts.

Still, the army gives out children's gas masks in the mall, and the young couple sharing a sundae wear his-and-hers corporal's stripes. These are habits of long siege and signs of continued, necessary wariness. But they also reveal the drama that all Israeli children participate in from birth. For both sexes, the passage to adulthood is serving the country, subordinating one's own life to a collective need, collectively defined. Ideology brought Jews here; ideology also denigrated shopkeepers and praised those who went out to settle the land. It glorified not the rugged individual, but the rugged group—the commune, the underground, the army unit, the nation. With the state established, the forests replanted, the swamps drained, defense is now the last great communal effort in which everyone, or nearly everyone, can take part.

Today, forty-six years after its founding, Israel is like an ex-revolutionary shopping in the mall. Individualism and the desire for personal comfort, no longer weaknesses, quietly have become values. Peace and economic success promise to reduce national tasks—and with them, the relevance of personal sacrifice for national need. The sense of being bound by a collective fate, which has made the country a huge raucous clan, could also fade. Israel, it seems, is turning into another normal Western country. The change, naturally, is uneven, jerky, a subject of conflict. It provides ammunition in a seemingly pedestrian dispute over school field trips, in the battle between West Bank settlers and supporters of peace, and in other cultural clashes. The battle lines run right through me, and I doubt I am unusual.

In Israeli schools everyone goes on a ritual yearly class trip. By fourth grade, most children can expect two days of hiking, staying overnight in a youth hostel or a "field school" for outdoor education. In high school, the trek can last up to five days, sometimes including camping out. One popular hike is through the Yehudiah Gorge in the Golan Heights, where children must jump off waterfalls and swim across the cold pools below. Another is descending the Arbel, a 1,000-foot cliff above the Sea of Galilee, via a tortuous path. "There is," one experienced guide explains, "a measure of controlled danger. It brings the groups together. Kids help each other down, they hold hands. It makes them nicer to each other."

Bringing the group together is a constant goal of Israeli schooling. But that's not the sole purpose of the trips, adopted from romantic European youth movements in the early decades of the century. Zionism intended to end the Jewish exile from nature itself, from earth, seasons, from physical effort and physical courage. "Hiking is the precise opposite of the Diaspora character," Israeli historian Anita Shapira has commented. "A hiker is the embodiment of the New Jew."

This year the ritual came under attack. A highbrow national newspaper, *Ha'aretz*, ran a major weekend magazine article lashing into the trips as dangerous and based on a nationalist ideology of "conquering the land with your feet." With anxious exaggeration, writer Iris Milner insisted that on "every trip, without exception," at least one child is injured. She sympathetically quoted a professor's suggestion that schoolchildren see nature films rather than experience nature directly. Meanwhile, a parents' organization threatened to keep all children home from trips unless the government began picking up part of the tab, now borne by Mom and Dad. Responding in *Ha'aretz*'s pages, Knesset Education Committee Chairman Avraham Burg blasted critics of class trips as "Yiddishe mamas" and as suffering "from the natural alienation of Westernized Israelis"—that is, being both Old Jews and new suburbanites.

The criticism of the trips shows a new willingness to question officialdom and ideology, to say out loud that the heroic era has ended. But that seems a shallow iconoclasm. I'll want my daughter to come home safely from her class trips, but I'll want her to go. A certain glory has been corroded when one believes that a National Geographic film can teach a child as much as the rock against her knees and chest on the Arbel, as the wind across the cliff face, as having measured fear and gone on. The community created by watching a classroom video is no substitute for the one created by completing the descent together.

Then again, intense community can be brutal for those who can't perform its prescribed sacrifices, which in Israel means giving several years of your life to army service. Every year, the military turns away 4 percent of the crop of 18-year-olds as unfit to serve even as cooks or clerks, giving them a medical "profile" of 21. To carry a "profile 21" is to remain a permanent outsider. If you don't limp or lack fingers the profile creates the presumption of mental illness.

Employers commonly have asked for job applicants' military profiles and last ranks. A Tel Aviv art teacher, Yuval Keidar, lost his job at a city school last year because he'd been discharged from the army with a 21. What's more, says Ayal Badd, who started a movement for profile 21s, "People find they lose friends. They can't meet someone of the opposite sex." When Badd was 18, he asked to postpone his army service for psychological reasons. "I didn't feel ready," he recalls quietly. "I was ordered to appear before some committee; they talked to me for a few minutes and decided I wasn't fit to serve at all. I appealed, but it didn't help." That was fourteen years ago.

Last year Badd decided, as he says, to "come out of the closet." (The metaphor holds an irony, since gays openly serve in the Israeli army and at least one rose to the rank of colonel.) Badd explains his impetus. A left-

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wing legislator had just invited gays and lesbians to meet her at the Knesset. "I was impressed with them coming out, and decided we had to do the same," he says. "I was sick of stuttering every time someone asked about the army. I said, 'Screw it, I'm not ashamed anymore.' " Badd published a letter in a local weekly; at midnight, the first of his fellow outcasts called him. He formed a support group and lobbying organization, and national media picked up the story. Last spring, after a Knesset Law Committee hearing, Civil Service Commissioner Itzhak Galnoor announced that the state would drop questions about the military profile from its hiring practices.

This quick first victory for a new civil rights movement bespoke deeper change, a recognition of the rights of individuals in the face of community's demands—for sameness, consensus, obedience. In granting that fitness for military service differs from fitness to teach school or to be a husband, you acknowledge that the army is a separate realm from workplaces, schools and families. You accept that the country is not quite as besieged as it once was, so that a person who hasn't manned the ramparts needn't be a pariah. At that point, you see the end of the heroic age as a blessing and a liberation.

So is Israel facing a loss of will, or achieving a longed-for normalcy? That question has recurred in the stormy intellectual and political debates of this spring and summer. Take novelist Aharon Megged's bitter assault in *Ha'aretz* on the so-called New Historians or post-Zionists—a small group of young Israeli scholars who have produced works presenting Israel's past in far more critical terms than did their older colleagues. Perhaps the most controversial is Benny Morris, whose *Birth of the Palestinian Refugee Problem, 1947-1949* documented the role of Israelis in causing the Arab exodus from the Jewish state. In that book and in *Israel's Border Wars, 1949-1956*, he dismissed the old account that Jewish forces were heroically outnumbered in the 1948 War of Independence, and suggested that Israel missed chances for peace afterward by refusing to cede a sliver of Galilee to Syria and a hunk of Negev to Egypt.

Megged, whose literary career began just after the '48 war, charged that the New Historians were "rewriting the history of Zionism ... in the spirit of its enemies," and doing what he characterized as Satan's work of dulling Jews' minds so they'd forget that their cause was just. Attacks and counterattacks filled the newspaper for weeks. Morris dismissed Megged's generation as blinded by revolutionary fervor and the glory of youthful battles, its scholars writing their own story and not history. "What we're doing," he wrote, "is rewriting Zionism's history more objectively."

Morris's work has prompted debate among professional historians as well, too complex to be settled here. But the dispute with Megged isn't over facts alone. For Megged, since ideology and history are inseparable, you write either for us or against us. Says the younger historian: "Aw, Dad, we're done with that." A historian must act as a professional, which means as an individual seeking truth. This bourgeois, decidedly post-Zionist attitude allows for writing a more nuanced, balanced drama, in which both Arabs and Jews are flawed figures in history's tragedy. But professing balance is also an ideological position. It belongs to the new Israel, as Megged does to the old.

The line between the two Israels is easy to find, some say; it can be drawn on the map, between the coastal sprawl of Tel Aviv and the West Bank settlements a short drive away into the hills. Tel Aviv, as typically portrayed in the settlers' journal *Nekuda*, is the land of "pubs, discotheques and beaches," whose residents lack all memory of Judaism and are tired of Zionism's demands. For the Orthodox hard-core settlers, it is Tel Aviv's "spiritual crisis," the choice of Western individualism and Mediterranean pleasure over heritage and duty, that has allowed the government of Yitzhak Rabin to cede territory and turn its back on the last Zionist pioneers in the settlements. As veteran settler leader and polemicist Yisrael Harel wrote in *Ha'aretz* this summer, "The youth of the left ... would rather sunbathe on the beach than demonstrate for Arafat."

Tel Aviv is indeed crowded, secular, traffic-jammed and awake all night, a southern European city only slightly displaced. If you believe, as Theodor Herzl wrote in his utopian novel *Altneuland*, that Zionism should give the Jews a liberal, Western country of their own, with opera houses, theaters and department stores, Tel Aviv is the promised land. It is post-Zionist because Zionism has already done its job. Rabin can make compromises in part because many people want to think—as a friend of mine said over fondue—"about my family and my home, like in a normal country," and not about endless battle. For the religious right, though, Zionism demands a Jewish state in all of the Land of Israel, so the great work remains ahead.

Or maybe the settlers are just angry at having begun their great project as the rest of Israel was going bourgeois. For fifty years, left-wing columnist Orit Shohat wrote recently, the religious Zionist "tried to imitate the classic sabra—to dress like him, settle the land like him, fight in combat units like him, enter his sandals—and now that [he] has nearly succeeded, that model of the sabra has gone out of fashion." The high drama of revolution lasted generations, a new world *was* created and nostalgia can be excused. But building a settlement to stake a Jewish claim on the land, like other gestures of idealism, was a means to an end. With the end achieved, the gestures turn to farce.

But the dichotomy between religious Zionist settlers on the right and secular hedonists on the left is far too neat. The West Bank settlements are garden suburbs with red-tiled houses and landscaped yards, the first places many Israelis could afford single-family homes. Yisrael Harel, the settler leader, complained recently that hardly any of the young people from his own settlement turned out for a key protest. On the other hand, secular teens still join top combat units. The pin-up boy

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soloist of the rock band Tel Aviv Youth chopped off his ponytail and volunteered for the Air Force's grueling pilots' course.

And where do the kids whose parents fear the class trips go when they finish army service? They take off for hikes in South America, or Thailand, or Nepal, where they are so common that village kids greet backpackers with "hello, goodbye, shalom." They often travel in groups. They believe in groups. A country's roots, it seems, don't really wither. Or so I'd like to think.

GERSHOM GORENBERG is the op-ed editor of *The Jerusalem Report.*

White minorities get shafted.

LOSERS

By Dante Ramos

Suppose your ancestors were ostracized by mainstream American society because they looked different and talked funny. Perhaps they were hounded because of religious or cultural differences. And a generation or more later, your socioeconomic status remains relatively low. Seems like you're a prime candidate for affirmative action assistance. But you're a Pennsylvania German, and you don't make the list.

The Bureau of the Census counts the Pennsylvania Germans as a distinct ancestry group; it includes people who classify their ancestry mainly as Pennsylvania German, Pennsylvania Dutch, Mennonite or Amish. They can make a claim for affirmative action benefits. David Rempel Smucker, an editor at the Lancaster (Pennsylvania) Mennonite Historical Society, says that in colonial times, English speakers resented the large number of German speakers. And members of the strictest religious groups—the Amish and conservative Mennonites—faced harassment for their pacifism during World War II. According to Census information, the Pennsylvania Germans also have a lower mean earnings, $10,339 per year, than the regulars on the affirmative action list: blacks, Native Americans, Hispanics and Asians. (One percent of Americans received the long questionnaire for the 1990 Census, the data which the Consortium for International Earth Science Information Network in Saginaw, Michigan, stores electronically. Responding were 2,300 Pennsylvania Germans, who represent about 230,000 people.) No one argues that the Pennsylvania Germans suffered from slavery and Jim Crow as blacks did, but neither did, say, Hispanics. They weren't corralled in reservations as Native Americans were, yet neither were Filipinos.

While it may seem facetious to advocate affirmative action for the Pennsylvania Germans, their case raises two questions: Which ethnic groups deserve to be on "the list"—the familiar, albeit uncodified roster of affirmative action beneficiaries? And what criteria determine whether a group is deserving?

The most-cited standard is skin color. Yet as soon as you consider Hispanics, problems arise. Hispanics can be of any race, and 53 percent call themselves white. White Hispanics usually get reclassified in order to make the list. New York City's Department of Business Services, for example, lets businesses owned mainly by Hispanics, along with those by blacks, Native Americans and Asian Americans, bid slightly higher for municipal contracts. These groups benefit since they're all "basically people of color," as spokesperson Jill Mainelli labels them. On the other hand, Spaniards, who are more typically white than are Latin Americans, often don't make the cut. At Carnegie-Mellon University, for instance, Latin Americans get an admissions edge that Spaniards do not.

Some groups, including Hispanic activist groups such as the Mexican American Legal Defense and Education Fund (MALDEF), emphasize persistent discrimination instead of color. According to Kevin Baker, who directs MALDEF's employment program, "The problems of African Americans in this country and Mexican-Americans are distinct" from those of other groups. On the other hand, Peter Skerry, author of a book about Mexican-American assimilation and a critic of MALDEF, claims that despite longtime suffering, Mexicans now show the same assimilation patterns that other immigrant groups have shown. Census data support Skerry: 31 percent of immigrant Mexican-American adults perform the lowest-paid jobs—service work such as housekeeping and gardening; yet only 14 percent of the native-born Mexican-Americans do. These statistics, among many others, suggest that newcomers start at the bottom of the job ladder and work steadily upward over time.

So maybe list membership really has more to do with socioeconomic status than with any methodical measure of barriers to advancement. Again, check the numbers. According to the 1990 Census, the mean on-the-job earnings for all adults is $15,105. Adult Native Americans earn significantly less, averaging $11,949, and blacks earn a mere $10,912. Hispanics, considered as a group, earn $11,219. At first glance, the standard list makes perfect sense.

But it makes sense only by lumping all Hispanics together and all whites together—and then ignoring high earnings ($16,928) and diversity among Asians. Why do this? These broad rubrics aren't politically or economically cohesive. Mexicans and Cubans, for example, are fiercely independent of one another. Just because Hmongs earn a paltry $3,194, should affluent Chinese or Japanese reap benefits? Why not pull them apart? In some cases that already happens. Spaniards often don't make the Hispanic category because of their European

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origin. Until the early 1980s, the University of California system excluded all Asian groups except Filipinos from their list. Further splitting, in theory, should create a new, fairer list.

But drawing the line on earnings level presents a challenge. If Argentines, the highest-paid Hispanic group, receive affirmative action benefits, perhaps the list should include every ethnic category less fortunate than they are. In 1990 Argentines earned $15,956 per year on the job. Less successful were the Dutch, Finns, French, Scotch-Irish, Bulgarians, Croats, Slavic Macedonians, Slovenes, Brazilians, Assyrians, Cajuns and, of course, the Pennsylvania Germans. Of course, none of these groups ever makes the list. On the other hand, the Argentine threshold would *disqualify* such frequent list-makers as Pakistanis, Sri Lankans, Burmese, Chinese, Japanese and Asian Indians, whose earnings average $25,198. Other arbitrary income thresholds produce similar problems.

And without even resorting to socioeconomic status, pressure groups are already expanding the list. Politically active Armenians in Pasadena, California, persuaded the City Council in 1985 to give them city set-asides. Some Arab-American leaders are pressing for assisted status, too. Albert Mokhiber, president of the American-Arab Anti-Discrimination Committee says his group receives dozens of job discrimination complaints a week and that remedial action might help. "Nobody's saying that these people should stay on special programs forever," he says. "But if [an Arab-American has] been denied loans from a bank because of his national origin, it would help to have an SBA loan."

Past efforts to rid the list-making of politics have often failed. The 1989 Supreme Court decision *Croson* v. *Richmond* should have ended lobbying on the municipal level, by requiring that cities and towns justify their contract set-aside lists with hard evidence of discrimination. But, according to Timothy Bates, an economist who studies minority businesses, the only municipal governments that actually conduct the *Croson* studies are those that favor affirmative action—and they admit a lot of anecdotal testimony to let groups prove discrimination. Smaller groups can get squeezed out. Chicago found so few Native Americans, Bates says, that the city couldn't produce meaningful statistics on them and excluded them from the program.

None of this proves, of course, that affirmative action might not be needed in some cases. For all the fears of those opposed to racial preferences, for example, college-educated black professionals earn $29,441 per year, still far behind whites at $37,383. But if affirmative action is pursued, it surely should be pursued coherently. That means either cutting everybody but blacks and Native Americans off the list (the best option, but one ruled out by other groups' power politics); or ethnic hair-splitting more complex and more elaborate than even the architects of apartheid might have dreamed up. Which is why, of course, many prefer to look the other way. And why the Pennsylvania Germans, among others, have an increasingly persuasive gripe. •

How the law is unraveling.

Is Affirmative Action Doomed?

By Jeffrey Rosen

On September 7 Deval Patrick, the assistant attorney general for civil rights, filed a brief in a New Jersey case arguing that it is legal to fire a white teacher over a black teacher purely because of her race. And on August 19 a federal district judge in Austin, Texas, held that aspects of the affirmative action program at the University of Texas law school are unconstitutional. One or both of the cases may reach the Supreme Court before long. Each on its own could revive the debate about racial preferences and ventilate their more troubling assumptions. Together, they suggest that the current legal foundations of affirmative action are highly unstable. If some kind of argument for racial preferences is to be sustained at all, it has to come from new—and more candid—premises.

For nearly a decade the Supreme Court has said that affirmative action in college and law school admissions is generally permissible; but firing someone on account of race crosses a crucial line, for it imposes all the burdens of racial preferences on a single white victim. By challenging this distinction, which is widely accepted by liberals and conservatives, Deval Patrick has committed the Clinton administration to a vision of racial preference that fulfills the most extravagant fantasies of a conservative attack ad. ("You lost that job because you were white....") Rather than honestly confronting the costs of affirmative action, Patrick

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has blithely endorsed the most extreme form of racialism. And principled liberals in the administration are concerned. Assistant Attorney General Walter Dellinger, for example, argued strenuously against Patrick's position.

The facts of the New Jersey case, *Taxman* v. *Piscataway*, make it a particularly unfortunate platform for Patrick's crusade. A white teacher, Sharon Taxman, and a black teacher, Debra Williams, were hired on the same day in 1980 to teach typing and secretarial studies at Piscataway High School. In 1989 the Piscataway school board decided, in the face of budget cuts, that it couldn't afford both Taxman and Williams. Ordinarily, when two teachers are equally senior, the board flips a coin. But in this case, it decided that since Williams was the only black teacher in the business education department, she should be retained and Taxman fired. What makes the decision so peculiar is that there is no scarcity of black teachers at Piscataway High School. On the contrary, 10 percent of the teaching staff is black, nearly twice the percentage of blacks eligible to teach in the county. In firing Taxman and retaining Williams, the school board had decided that it was important to maintain racial diversity within the department of secretarial studies itself. This is the radical end-point of the diversity argument: the notion that all races should be proportionately represented, not on the faculty as a whole, but in each department of every high school in the district.

The most disappointing aspect of Patrick's brief is the coyness with which it calls into question the basic principles of the Supreme Court's affirmative action doctrine. Patrick's first innovation is his argument that "faculty diversity" is a sufficiently compelling interest to justify firing people on the basis of race. In a letter to the editors of TNR, Patrick argues that "many Supreme Court justices" have described faculty diversity as a "laudable" goal. (See Correspondence, page 6.) He neglects to mention, however, that no Supreme Court majority has ever endorsed this view.

Patrick is also less than frank when he claims that "nothing in the controlling case law" clashes with his position. In fact, Justice Lewis Powell's plurality opinion in the 1986 *Wygant* case explicitly rejected the argument that white teachers could be fired over black teachers "to provide role models for minority children." Carried to its logical conclusion, Powell said, the idea that black students are better off with black teachers could lead to the very system the Court rejected in *Brown* v. *Board of Education*. More pointedly still, Powell objected that the role model theory allows the board to use racial preferences "long past the point required by any legitimate remedial purpose."

Patrick dismisses Justice Powell's concerns. Citing the dissenting opinion in *Wygant* by John Paul Stevens, he argues that there are a number of reasons why schools that have never discriminated in the past might seek racially diverse faculties. "It is one thing for a white child to be taught by a white teacher that color, like beauty, is only 'skin-deep,' " wrote Stevens. "It is far more convincing to experience that truth on a day-to-day basis." The argument may be intelligible for social studies teachers; but Stevens never suggested that students would benefit from being exposed to racial diversity in typing and accounting classes.

In any event, the "faculty diversity" argument is a red herring, since Justice Powell said explicitly that it is not compelling enough to justify firing people on the basis of race. Patrick argues that the Piscataway school board did not "unnecessarily trammel" Taxman's rights. But in fact, the board violated Taxman's right to have the same chance of keeping her job as anyone with equal seniority. The coincidence that Taxman and Williams were hired on the same day doesn't change the constitutional principle: in a random, colorblind system, each would have had a 50 percent chance of keeping her job. "We're not taking a position on whether this is constitutional," Patrick told me on the telephone; but his brief takes a very strong position. It explicitly rejects Justice Powell's central insight in *Wygant*: "While hiring goals impose a diffuse burden, often foreclosing only one of several opportunities, layoffs impose the entire burden of achieving racial equality on particular individuals, often resulting in serious disruption of their lives. That burden is too intrusive."

Patrick tries to minimize Taxman's injury with a series of evasions. Race, he says, "played no greater weight in the board's decision than any other qualification." This is ludicrous: as the Justice Department acknowledged before it switched sides in the case—it had originally supported Taxman rather than Williams—race was the *only* factor that tipped the scales. "Let me assure you once again, Sharon, that this board action is not related to any assessment of your professional performance," wrote Gordon Moore, the director of staff personnel, when he fired her. Patrick also argues that Taxman's injury was only "temporary," because she was rehired in 1990. (She was fired again in 1991, and then rehired the following year.) In fact, the judge calculated her lost income and benefits as $134,000—hardly a "temporary" loss.

There's something a little glib, finally, about Patrick's characterization of Supreme Court precedents. He invokes William Brennan's opinion in the *Metro Broadcasting* case, which said that Congress could set aside FCC licenses for minority broadcasters. But Brennan went out of his way to stress that the program didn't disturb anyone's vested rights or legitimate expectations. Patrick also skims over the *Johnson* and *Weber* cases, which say that racial preferences are permissible only when they're temporary, and intended to remedy the effects of past discrimination, or to eliminate a "manifest imbalance" in the racial makeup of a workplace as a whole. The *Taxman* case meets none of these criteria.

Patrick's attempt to rewrite the law of affirmative

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Excerpted in *Commentary • Harper's • National Review*

David Frum on...

Conservative Ideology

Conservatism was never supposed to be a sunny political ideology or an easy sell. It was always a doctrine for the tough-minded. . . . But the Reagan interlude turned our heads. It misled us into thinking that the American people were with us—not just in a casual, happenstance sense, but deeply, even when conservative ideology might deny them some benefit out of the Treasury or morally condemn something it would give them pleasure to do. And as we have discovered the uncomfortable truths—that they're not with us—we have adapted to them.

Big Government

The force driving the social trends that offend conservatives, from family breakup to unassimilated immigration, is the welfare function of modern government. Attempting to solve these social problems while government continues to exacerbate them is like coping with a sewer main explosion by bolting all the manhole covers to the pavement.

The Houston Convention

It is simply childish to imagine that the Houston convention was stage-managed by crazed Baptists. One hesitates to disabuse anyone of romantic illusions about American democracy, but political conventions are controlled by the national campaign organization, which is to say, by the man they are about to nominate. The mass of delegates at Houston could have been composed of religious maniacs, bloated Rotarians, or pacifist vegetarians, and it would not have influenced the content of the convention one bit.

Supply-Side Economics

To a party sick of defending itself of hard-heartedness, Jack Kemp's happy economics was as welcome as the invention of the tank had been to the British infantry in 1917. Instead of sprinting through the mud toward the enemy's machine guns, how'd you like to sit dry and snug inside a bullet-proof moving box?

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action, rather than prudently withdrawing the government's brief in this explosive case, must be ranked among the most peculiar decisions of the Clinton Justice Department. "We do not support quotas," Patrick said when he filed the *Taxman* brief, but "affirmative action is a different animal." But when whites are fired because of their race, the euphemistic distinction between affirmative action and reverse discrimination becomes impossible to sustain. As Samuel Issacharoff of the University of Texas argues, if there is any point at which liberals should balk at racial preferences, the *Taxman* case presents it squarely.

The University of Texas case is the most important challenge to racial preferences in university admissions since the *Bakke* decision in 1978, which struck down a rigid set-aside program at the U.C.-Davis medical school; and it may give the Court another chance to re-examine the boundaries of its affirmative action doctrine. While Justice Powell in *Bakke* coyly refused to look behind the curtains of the Harvard College affirmative action program, which he praised as a model, Judge Sam Sparks of the U.S. district court in Austin unblinkingly revealed the raw data—grade point averages and law school admission test scores—that separate white, black and Mexican-American applicants to the University of Texas. The numerical gap between the groups is so stark that it undermines the central premise of *Bakke*: that race may be used as a tie-breaker in admitting similarly qualified candidates, but that using race as a decisive consideration is "discrimination for its own sake."

With *Hopwood* v. *Texas*, history has made an awkward circle. In 1950 Thurgood Marshall represented Heman Sweatt, who sued the University of Texas law school because it barred blacks; four decades later four white plaintiffs are suing the same law school because it is too welcoming to blacks. In the 1940s Texas tried to resist integration by setting up a makeshift "separate but equal" law school in the basement of the state capitol; in the 1990s Texas tried to guarantee integration by imposing separate admissions standards for blacks and whites. And there are plenty of ironies from the decades in between. As late as 1980 the Department of Health, Education and Welfare found that Texas had failed to eliminate the vestiges of segregation. When the university pledged to increase the numbers of black and Hispanic graduate students in 1982, Ronald Reagan's assistant secretary of education, Clarence Thomas, rejected the plan. The numerical goals, Thomas said, were simply too low to satisfy Title VI of the Civil Rights Act of 1964. Texas, in short, finds itself trapped between what federal law requires and what the Constitution forbids.

The plan that Thomas eventually endorsed is the genesis of the plan that Cheryl Hopwood, a white, working-class graduate of a Texas junior college, challenged. Under the Texas plan, which was developed by moderate and conservative faculty members, the law school pledged to admit blacks and Mexican-Americans in proportions approaching their graduation rates from Texas colleges. Each class, the admissions committee decided, should be approximately 5 percent black and 10 percent Mexican-American.

The problem, put starkly, is that Texas cannot begin to achieve its goals without adjusting its admissions standards. The admissions committee relies heavily on a number called the Texas Index, which is a weighted average of every applicant's LSAT score and undergraduate GPA, and which has proved—both sides concede this—to be a reliable predictor of first-year grades. The school, with its first-rate faculty and low tuition, is highly selective: in 1991 white students admitted to Texas had a median LSAT in the ninety-third percentile and an average GPA above 3.5. In 1991 white Texas applicants with Texas Index scores above 199 were presumptively admitted, while those with scores below 192 were presumptively rejected.

The university's lawyers began the trial by frankly conceding that, without racial preferences, only one out of the 280 black applicants to Texas in 1992 had a score high enough to be presumptively admitted. Out of all the minority applicants to all the law schools *in the country*, only 289 blacks, and ninety-six Mexican-Americans, had scores high enough to put them in the discretionary zone for white applicants to the University of Texas; and only eighty-eight blacks, and fifty-two Mexican-Americans, *in the country* had scores higher than the median for white students at the University of Texas. If the law school had based its 1992 admissions on a strictly colorblind standard, the entering class of 500 students would have included, at most, nine black and eighteen Mexican-American students, all of whom were being courted by the most prestigious law schools in America.

Faced with the prospect of returning to a nearly all-white class (which would have been illegal under Title VI), the University of Texas balked. It established a separate admissions committee to consider applications from blacks and Mexican-Americans; and it imposed lower scores for admission and rejection. The presumptive admission score for the preferred minorities dropped to 189, three points lower than the presumptive rejection score for whites. Consequently, a score in the range of 189 to 192 was a presumptive rejection for a white applicant but a presumptive admission for a black or Mexican-American applicant.

The gap between the scores of black and white applicants is worrying on several levels. And it exposes the three central fallacies underlying the *Bakke* opinion: that race can be a plus factor rather than a decisive factor in admissions decisions; that the need for racial preferences will soon disappear; and, most implausibly of all, that only institutions with a history of discrimination are permitted to avail themselves of racial preferences today.

To be consistent with Powell's opinion in *Bakke*, Judge Sparks said, the law school had to compare black applicants to white applicants at every stage,

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A Twofer's Lament

This piece was adapted from a 1993 speech delivered at Oberlin College.

I grew up and graduated college in the Philippines; I've spent the last twenty years in the United States. I see a tremendous difference between the perception of education there versus here, then versus now—of whether securing an education is viewed as an opportunity or as a privilege.

I received a bachelor of science degree from the University of the Philippines. I was an agricultural science major, but I had just as many courses in engineering as in philosophy, in language as in math, in literature as in physics, in physical education as in the arts. The five-year curriculum was extremely strict: inflexible in terms of course choices, not only rigorous but quite brutal. There was no entrance exam; your freshman year *was* the entrance exam, and it was trial by fire. Anyone who survived the thirty-six-credit requirement was permitted to continue. We took those painful but marvelously edifying years one at a time, savoring and suffering every midterm exam, sweating every horrific term paper, including the dreaded senior thesis. Every student wrote one based on original research—that is, every student who made it to senior year. Many didn't.

Courses were taught in English (in a country whose citizens speak approximately 100 non-English languages and dialects) by a faculty that was 40 percent women. These women were not merely technicians or teaching assistants but professors, deans, lecturers and research scientists, with Ph.D.s from American, Canadian, Australian and European universities, just like the men. At the time, our student body was also about 40 percent women, although in recent years, I'm told, this figure has grown to about 50 percent. We enjoyed no financial aid or student loans; we went to university the old-fashioned way—on full scholarship, paying full tuition or working. There was only one criterion for admission: academic excellence. The occasional congressman's son or niece got in, but the brutal freshman year was a great equalizer. It didn't matter that your grandfather had graduated fifty years before either, because that didn't guarantee whether or not you would do well in your courses. It didn't matter how tall you were, what ethnic group you represented, what sport you played or what sex you were; or that you came from a finishing school in Switzerland or a public school in the boonies. The only criterion for admission—and for success—was that you could do your stuff and do it well.

It struck me as extraordinary, therefore, that when I matriculated at the University of California at Berkeley, I had to identify myself by sex, ethnicity and other criteria such as financial need. I considered my Graduate Record Examination and Test of English as a Foreign Language scores as relevant; after all, I was to be a graduate student in an English-speaking country. But sex? Ethnicity? I wasn't even sure what "ethnicity" meant. (Even today, I'm not sure whether I'm Asian, Filipino or Pacific Islander. I usually end up checking the box marked "other.") Financial need? That was my concern; I intended to work my way through graduate school. I wasn't asking for privileges, only opportunities.

Imagine my shock, then, when one of the second-year grad students came up to me, shook my hand and said that he had been looking forward to meeting the "twofer" who had been accepted that year. I discovered later that "twofer" meant I was a double whammy; not only was I a woman in a male-dominated field, but I was also not white. Little did that second-year student know that I was transferring from another department and had been accepted into his department because I had aced all the courses there. I remember feeling diminished by his remark; it was as if I had somehow been accepted because my sex and skin color made up for my lack of smarts. Years later I had a similar jolt. In 1986, shortly after I took my present teaching job, I asked one of my colleagues if my sex and ethnicity had anything to do with my getting hired. He said yes: it was affirmative action. And there I was, assuming I had gotten the job because I was good.

Until recently I thought nothing of this. I figured it came with the territory of living a foreigner's life in an alien country. Then a talk with one of my research students, a Hispanic-American woman, brought back a bit of the pain. Last year this student was accepted into Ph.D. programs in molecular biology at Harvard, Cal-Tech and the University of California at San Francisco. After recounting for me the back and forth of her interviews, she asked a poignant question: Did I think she'd been admitted to these universities because she is a twofer? At that moment, I realized my experience at Berkeley had nothing to do with my being foreign. It had to do with the American perception of education as a privilege, deserved or undeserved. My student did not want an undeserved privilege. Like me, all she wanted was an opportunity. How cruel that a person so young, so bright, is made to feel that she is being given a handout, not a hand.

More recently I encountered, in an exchange with my daughter, Elsa, the confusion that seems to accompany the delineation between opportunity and privilege. After Elsa came home with a perfect eighth-grade report card, she regaled me with tales of her classmates who, after earning high marks, had received from their parents gifts, allowance increases, shopping sprees, and spring breaks in the Caribbean. "Why can't I get $20 for every A I bring home, Mama?" Elsa asked.

Smart kid. She knew she had me cornered. I searched my mind for a fitting response. Without losing my cool, I said, "My dear, I love you very much, but in this household you do not get paid for A's. Instead, you will have to pay me for every grade of B or lower that you bring home." Elsa realized that an A was simply an opportunity to move farther in her coursework; it did not entitle her to an automatic privilege.

Being awarded a privilege and given an opportunity are similar in that the odds are stacked in the recipient's favor. With privilege, however, the odds are handed to you; with opportunity, you stack the odds in your own favor. It is hard not to see the dignity in the latter enterprise—the sublime feeling of self-worth, self-respect and pride that it engenders.

YOLANDA CRUZ

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rather than considering both sets of applications on racially segregated tracks. The procedural requirement comes from Powell's opaque notion that racial preferences in universities "must be limited to seeking the educational benefits that flow from having a diverse student body and to addressing the present effects of past discriminatory practices." But what Powell meant by the educational benefits of a diverse student body has never been clear. He seemed to be saying that a university could use race as a rebuttable presumption that a black applicant would contribute to intellectual diversity; but that admissions officers would have to decide, on a case-by-case basis, whether a given white applicant would bring *more* diversity to the mix. For example, Powell seemed to suggest, an Italian-American farmboy who had overcome great hardships might have a legitimate constitutional objection if he were rejected in favor of a son of the black middle class.

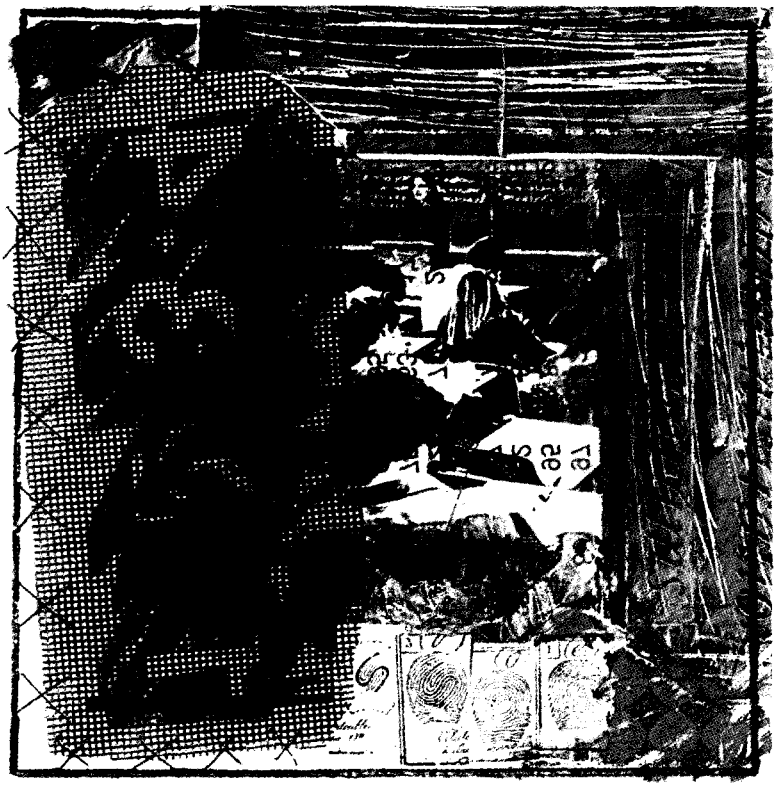

ILLUSTRATION BY TOM PRESTON FOR THE NEW REPUBLIC

Accurately applying the vague standards of *Bakke*, Judge Sparks held that the lack of individual comparison between white applicants and minority applicants makes the Texas procedure unconstitutional. After *Bakke* was decided in 1978 the law school initially had concluded that its use of two separate tracks for minority and white applicants was unconstitutional, and decided to merge the separate committees into a single unit. But during the 1980s, Texas, like many other top law schools, such as Stanford, got sloppy and decided that it would be more efficient to revive the separate minority admissions committee once again. The persistence of separate minority committees, despite Powell's explicit prohibition, shows how little influence *Bakke* has had on affirmative action as it is actually practiced.

After the *Hopwood* suit was filed, however, Texas administrators became more careful about appearances. "When one gets sued in federal court, it catches one's attention," the admissions director testified. For the 1995 entering class, the law school has eliminated the minority subcommittee and the presumptive admission and rejection scores. All admissions decisions will be made by a single committee of three faculty members. The new, unified admissions procedure, Judge Sparks emphasized, is perfectly constitutional under *Bakke*, which is why the law school is properly treating the decision as a victory.

But the victory is incoherent. The only practical effect of *Bakke*, as correctly applied by Judge Sparks, is to punish schools that have the courage to be honest. The court is saying, in effect, that Texas can rely on the same strong racial preferences that it did before, as long as it doesn't *overtly* adopt separate admissions standards. But it's hard to see why it should be constitutional to do covertly what is unconstitutional when done openly. Furthermore, by making its separate admissions standards explicit, rather than inviting three faculty members to apply racial preferences in secret, Texas was trying to minimize the possibility for abuse.

The procedural distinction on which Justice Powell and Judge Sparks place so much weight—the distinction between separate admissions committees and a single admissions committee—collapses in light of the admissions data. The gap between the scores of black and Mexican-American candidates and other candidates is so persistent that it is simply not possible to compare minority candidates with white candidates on a case-by-case basis, and to weigh race and ethnicity in "competitive consideration" with other, nonracial qualities. In order to admit meaningful numbers of black and Mexican-American students, race must be used not as a "plus factor" but as the decisive factor, and a black professor's son will have to be preferred to a less privileged white working-class applicant—like Cheryl Hopwood—in case after case. The *Hopwood* data suggest, therefore, that the consequence of a purely class-based affirmative action policy would be virtually all-white colleges and law schools.

The *Hopwood* case highlights yet another fallacy of *Bakke*: Powell's notion that racial preferences would be short-lived. In a new biography of Powell, John C. Jeffries Jr. reveals that during the Court's private conference about *Bakke*, John Paul Stevens and Powell agreed that racial preferences might be acceptable as a temporary measure, but not as a permanent solution.

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One Cheer for Barbara Jordan and The Commission on Immigration Reform

Civil rights leader Barbara Jordan, Chair of the U.S. Commission on Immigration Reform, deserves credit for getting a few things right in the Commission's testimony to Congress in August, 1994. Immigration controls, she stressed, are not "anti-immigrant," but the right and responsibility of a democratic society.

Fraud-Resistant ID Systems Vital

The former Congresswoman termed illegal immigration "unacceptable" and called for both fraud-resistant worker identification and tighter border controls to halt it. To stop the epidemic of counterfeit identification, she favored screening all job applicants against a computerized national registry of all citizens and aliens eligible to work in the United States. Dr. Jordan urged pilot projects for such a system immediately in the five leading immigration-receiving states, using existing authority. She was convinced the system would not threaten civil liberties and would combat fraudulent welfare use by aliens.

Better Border Vigilance and Quicker Deportation

To curb surreptitious entry, Dr. Jordan backed more agents and better equipment and management for the Border Patrol. The Commission endorsed the strategy used in the Border Patrol's successful shut-down of most illegal immigration around El Paso, Texas, based on the irrefutable logic that prevention of illegal entry is far more cost effective than apprehension and removal after the fact.

Dr. Jordan also called for a greater willingness and ability to remove the rapidly growing pool of deportable aliens who manage to remain here, particularly criminal aliens. Specific recommendations, however, will presumably await the Commission's full interim report in September.

Three More Years of Delay

NPG, which has long advocated a secure system of verifying immigration status, welcomes Dr. Jordan's vigorous re-opening of the issue and her strong backing for tighter border enforcement and more stringent deportation rules. Sadly, however, proponents of effective immigration controls will recall that both secure work verification and a stronger border patrol have had Congressional approval since 1986. Even though a duly legislated identification system has languished unimplemented for eight years, the Commission now recommends another three-year delay for installing and testing a working system. In the eleven years of inaction, illegal immigration will have increased the nation's population by over three million.

Legal Immigration Must Be Reduced

More troubling is the Commission's treatment of illegal immigration as if it were the central focus of America's concern with uncontrolled immigration. Abuse of the political asylum system is now bringing us nearly 100,000 new de facto permanent residents a year, but it did not merit a line in Dr. Jordan's presentation.

Legal immigration, which produces nearly three-quarters of total annual immigration of 1.2 million, received only perfunctory attention. Dr. Jordan did see the legitimacy of community concerns about integrating such a diverse inflow. And she voiced special concern about immigration's consequences for disadvantaged citizens. But the Commission's rhetorical tribute to the "many opportunities" legal immigration brings the nation, suggest a pronounced tilt toward the status quo. Immigration's effects on population-driven resource, environmental, and quality of life issues went totally unmentioned.

Regrettably the Commission, already half-way through its six-year life, announced it will make no recommendation about legal immigration in 1994. Their reasoning: there has been inadequate time to study the effects of the 1990 law that increased legal immigration by 40 percent. Ironically, a law that even many legislators confessed was enacted in great haste can now only be reconsidered at great leisure.

The Commission: A Catalyst or a Stall?

The Jordan Commission offers Congress a justification for quick and forceful action against illegal immigration. We at NPG hope it will follow through. But the Commission's languid approach to problems of legal immigration could help forestall debate on an increasingly pressing issue, giving Congress a pretext to delay consideration of substantial changes until 1996.

Like most American's, NPG fears that more delay will mean even greater hardship in reversing immigration's momentum later on. Public opinion polls show solid national support for less immigration — not just less illegal immigration. The country wants action now. Congress seems to be getting that message.

by Donald Mann, President

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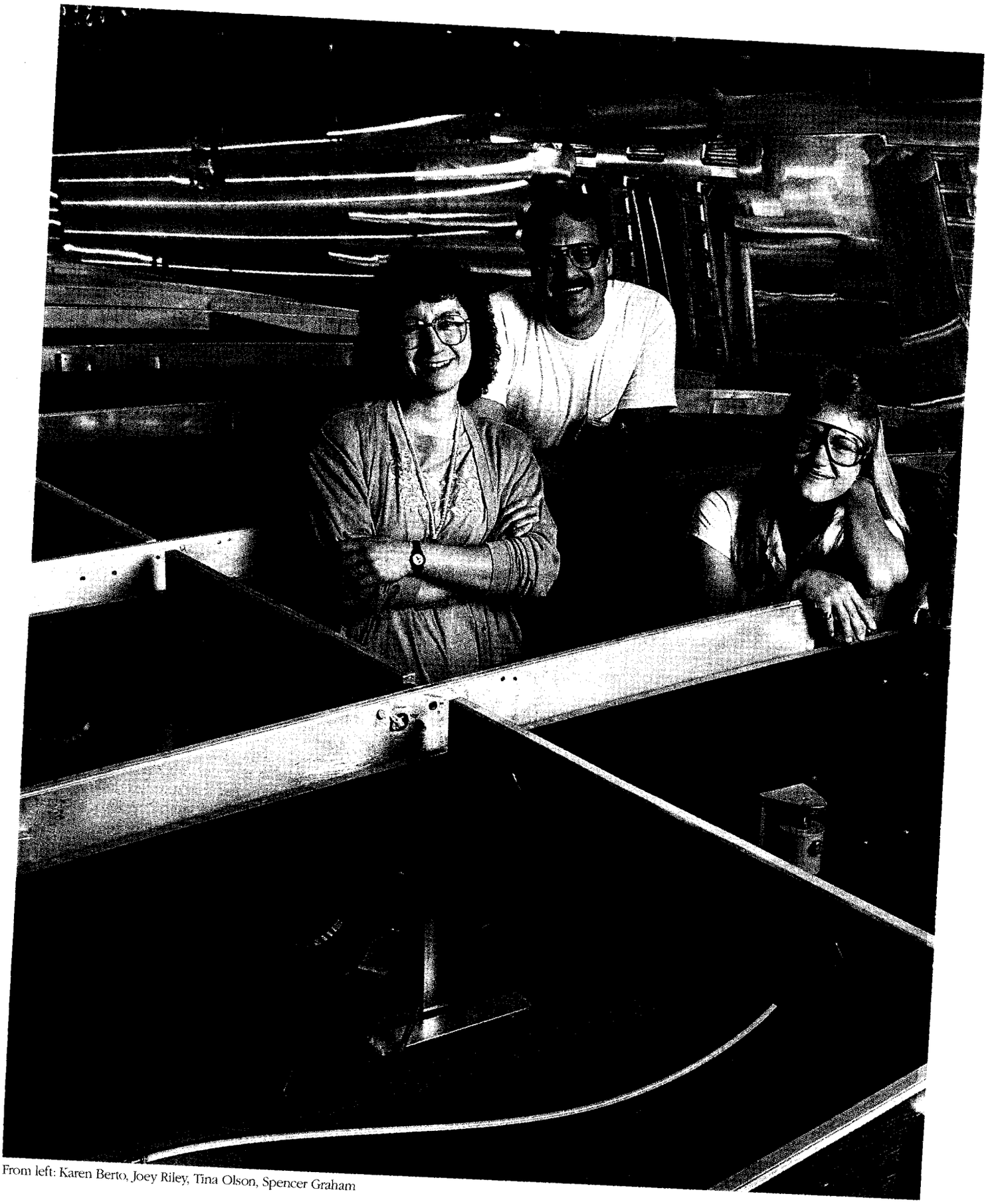

From left: Karen Berto, Joey Riley, Tina Olson, Spencer Graham

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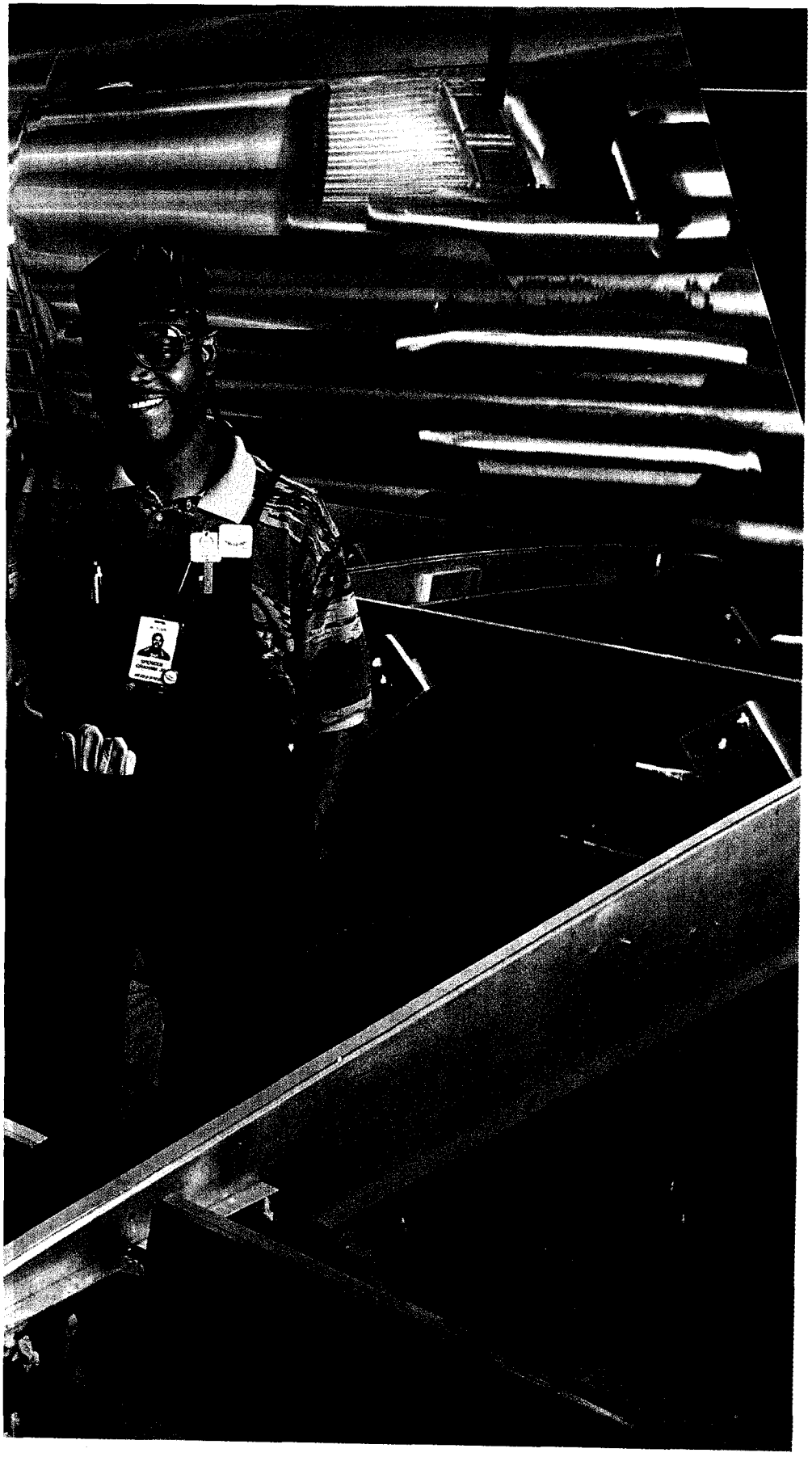

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Perhaps, Stevens suggested, blacks would not need preferences for much longer. At this point Thurgood Marshall broke in. Racial preferences would be necessary, he said, for another 100 years. Powell was speechless. Afterward, Powell's clerk speculated that if Marshall had predicted ten years rather than 100, Powell might have provided a fifth vote for the liberal's unqualified approval of racial preferences. Powell simply recoiled at the prospect of generation after generation of racial quotas.

But the evidence presented at the *Hopwood* trial suggests Marshall was right and Powell was engaging in wishful thinking. Sixteen years after *Bakke*, the gap between the scores of white and black applicants remains so persistent that it is hard to believe things will improve anytime soon. In an amicus brief submitted to the *Bakke* Court, the Association of American Law Schools pointed out that in 1976, 20 percent of white law school applicants, but only 1 percent of black and 4 percent of Chicano applicants, had LSAT scores of 600 or more and GPAs of 3.25 or higher. Without strong racial preferences, therefore, the number of blacks students admitted to law schools in 1976 would have been about 1 percent of the entering class. This is roughly the same as the percentage actually admitted to law schools in 1964, and it is similar to the University of Texas's estimate of the percentage that would have been produced by a colorblind admissions process in 1994. "Certainly, an indefinite program would violate the equal protection clause," Judge Sparks declared confidently; but in light of the lack of progress after thirty years, it's hard to share his optimism that racial preferences will end anytime soon.

The *Hopwood* case exposes one last fallacy of *Bakke*: the impossibility of measuring and addressing, with any precision, the present effects of past discrimination. Faced with a choice between two coherent theories of affirmative action, Powell chose neither. On the one hand, William Rehnquist, now joined by Antonin Scalia and Clarence Thomas, argues that the Constitution is colorblind and that all racial classifications are unconstitutional. Rehnquist, Thomas and Scalia would allow racial preferences only in the narrowest circumstances, as compensation from an institution that is guilty of discriminating to an individual who has been discriminated against. Although this theory is rhetorically appealing, it is flamboyantly inconsistent with the original intentions of the framers of the Fourteenth Amendment, who considered, and rejected, language that would have prohibited racial classifications in all circumstances.

The most liberal position is also unsatisfying. According to William Brennan, Thurgood Marshall and Harry Blackmun, the Constitution forbids racial classifications only when they reflect prejudice or contempt for a particular group. Virtually all racial preferences designed to help blacks are permissible, according to this view, because they're not based on stigmatizing prejudice for whites, but instead on a desire to remedy the effects of discrimination in society as a whole. The weakness of this theory is obvious enough: not every form of discrimination is based on contempt or loathing. On the contrary, as Ruth Bader Ginsburg has argued, discrimination against women has long been rooted in the paternalistic idea that women need special and benevolent protection. And plenty of economic data suggest that most racial discrimination today is motivated not by hatred but by the administrative efficiency of generalizing from the average performance of a group to the likely performance of one of its members.

Instead of siding with either the liberal or conservative theories of affirmative action, Powell tried to mix and match them in cases after *Bakke*. Borrowing the individual responsibility position from the conservatives, Powell said institutions could engage in affirmative action only if they themselves had been guilty of discrimination. And borrowing the group oppression position from the liberals, Powell said the minorities could benefit from affirmative action even if they themselves had not been victims of discrimination.

The Texas case shows the illogic of this compromise. It's beyond dispute that the University of Texas discriminated notoriously against blacks in the past. But 1994 is not 1946; and the law school that rejected Cheryl Hopwood is a very different place than the law school that rejected Heman Sweatt. And despite the historical record, Judge Sparks's efforts to link the beneficiaries of Texas's current racial preferences with the victims of Texas's past racial discrimination seem particularly strained. He emphasizes, for example, that the parents of black applicants to the University of Texas today were discriminated against by the state of Texas a generation ago. This local discrimination, he suggests, may account for the persistent gaps between the scores of white and black applicants to the university. But the argument falters on an inconvenient fact: Texas admits most of its black law students from the pool of out-of-state applicants, who can hardly claim to have been handicapped by the legacy of discrimination in Texas. The existence of a national applicant pool tends to undermine any claims that the university is engaging in geographically precise compensation for its sins.

The *Hopwood* case, in short, exposes the implausible and increasingly esoteric foundations on which the law of affirmative action now rests. To accept the intellectual framework of *Bakke*, you have to accept a series of premises that are hard to reconcile with the cold data: that race can be a plus factor rather than a decisive factor in admissions decisions; that the need for racial preferences will soon disappear; and, most exotically of all, that institutions that have discriminated in the past can atone for their sins by projecting the effects of their discrimination into the future. Whatever its value as an act of public relations, Justice Powell's opinion in *Bakke* clearly has failed as an act of constitutional interpretation.

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If the Court chooses to use the *Hopwood* case as an opportunity to re-examine *Bakke* in the next few years, there is a more convincing theory. As Andrew Kull argues in *The Colorblind Constitution*, the framers of the Fourteenth Amendment did not intend to forbid all racial preferences, but only those that were unreasonable or unrelated to legitimate public purposes. They were especially concerned about laws like the Black Codes that extended unequal punishments, and unequal benefits, to blacks and whites. For better or for worse, therefore, fidelity to constitutional history supports, rather than undermines, the notion that the Supreme Court should pick and choose among racial classifications, upholding the reasonable ones and striking down the unreasonable ones. And in trying to refine the vague standard of reasonableness, the Court might indeed focus on whether the burdens of a racial classification are focused unfairly on particular individuals.

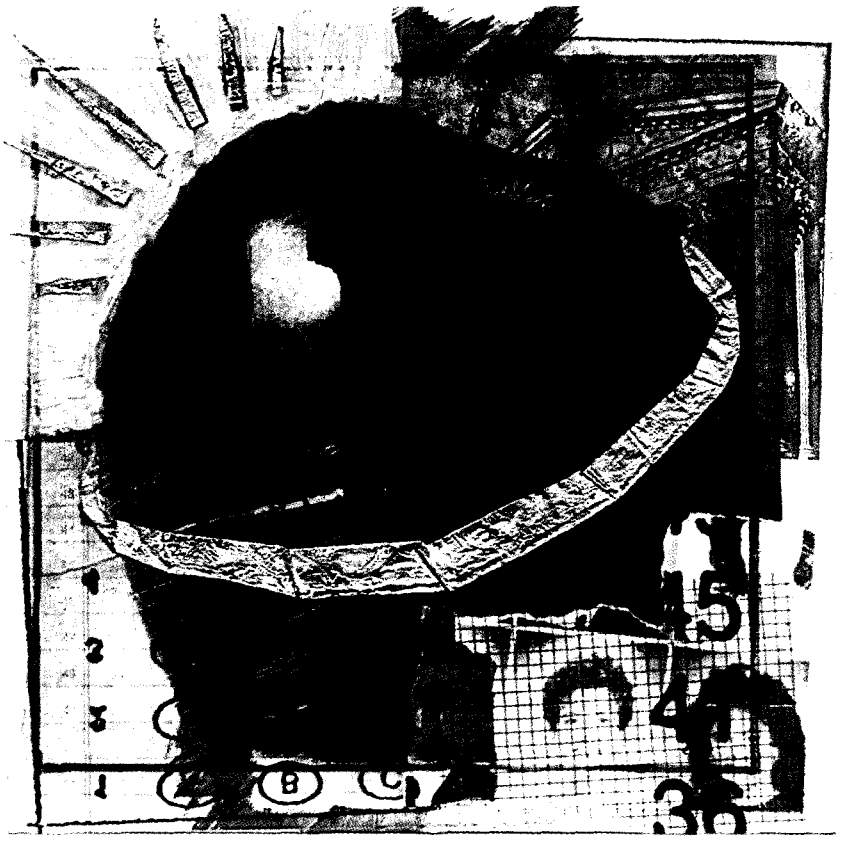

ILLUSTRATION BY TOM PRESTON FOR THE NEW REPUBLIC

This weak colorblind principle would probably permit racial preferences along the Texas model, in college and graduate school admissions, because their burdens fall on a wide and diffuse group. Between the ninety-fourth percentile, which is the median for white applicants, and the eighty-ninth percentile, which is the median for black applicants, the University of Texas has to pass over 1,000 whites for every black applicant that it admits. The disappointment of the rejected whites should not be minimized; but law schools, like undergraduate colleges, have never pretended to cultivate academic distinction alone: they seek to train not only legal scholars but also politicians and local worthies.

Moreover, unlike the highly qualified Alan Bakke, who clearly would have been admitted to the University of California in a colorblind world, the University of Texas refused to concede that the four plaintiffs in the *Hopwood* case would have been admitted on the merits. All four had adequate but unexceptional academic records that put them squarely in the broad middle range of the Texas applicant pool; and most were admitted to less prestigious law schools. Since Texas has to reject hundreds of applicants like Cheryl Hopwood, it's hard to argue that she is being singled out unfairly to bear the full weight of the racial preferences. Perhaps a more qualified plaintiff could have argued more convincingly that her expectations were frustrated.

Once racial preferences are extended beyond college and graduate school admissions, however, the burdens become far less diffuse. Consider the case of faculty hiring. The number of positions are far more limited; and when a certain number of them are set aside only for blacks, there are especially heavy costs on the rejected whites, who have invested an extraordinary amount of time in specialized preparation and are likely to have many fewer alternatives than students applying to graduate schools. There also seems far less justification for using group membership as a stand-in for intellectual diversity than in student admissions, where the actual views of applicants are hard to discern. And while even mediocre law students may go on to be successful lawyers or politicians, the standards for scholarly success are far more precise and objective. All this suggests that the "faculty diversity" argument that Deval Patrick is pressing in the New Jersey case is constitutionally as well as educationally questionable.

As the over-reaching of Patrick demonstrates, the Supreme Court's careful distinctions between permissible and impermissible affirmative action are being eroded or ignored in the wake of the political impulse to achieve proportionate racial representation in every sub-department of society. This impulse, which comes perilously close to discrimination for its own sake, refuses to engage the real question in the affirmative action debate—namely, what are the *justifications* for favoring members of one race over another in very different spheres and contexts? The only hope of avoiding a descent into pure racialism is to admit candidly that racial preferences have costs, and to set precise and legally enforceable boundaries. That project, thankfully, has now begun. •

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Stat-free

Imagine trying to talk about national health care without knowing that millions of people are uninsured. Worse still, imagine discussing the budget without knowing that there is a multi-billion-dollar deficit. Crazy, right? But debating without knowing the numbers is exactly what we do when we talk about affirmative action. No wonder we've been caught for years in a stale, repetitive debate, each side talking past the other and each clinging to its prejudices. "We need affirmative action," a friend said to me recently. "Without it, there just might not be any blacks at Harvard." True or false? I don't have a clue, and neither does the person who made the claim, ironically—or perhaps not—a passionate defender of preferences.

How accurately do standardized tests predict underprivileged students' performance in school? How much can other factors—motivation, leadership and moxie—compensate for academic weakness? Do students admitted to college for racial reasons drop out at a higher rate than others? Do most eventually adjust or slip by on benevolent teachers' sufferance? Most of us think we know the answers to these questions. Indeed, most of us think the answers are so obvious they don't need stating. The only problem is that our opponents in the affirmative action debate are as convinced as we are—of the opposite answers.

One could understand this passionate ignorance if the true answers were unavailable. But in this case, unlike in the flat-earth controversy, all it would take is some computer time—and a little candor from the nation's colleges and universities. Yet for nearly two decades, and despite an ever intensifying debate, the academic establishment has refused to reveal its admissions procedures.

The mystery could be cleared up with a few critical numbers from each college and university. (The college boards already release aggregate data about black and white students' test scores, but this is irrelevant to the affirmative action debate, for it tells us nothing about the college admissions process. The question is not whether blacks and whites score differently; it is whether the nation's colleges are using a double standard or a single one.) How do the affirmative action beneficiaries at the college in question score on standardized tests? What are their grade point averages at the time of admission and when they graduate? Most important, how do they compare to other students on campus, or, better yet, to those they often compare themselves with, student athletes and the children of alumni? Finally, what other factors complicate this comparison: How does the school's admissions office measure motivation and unused potential, and how does it weight these traits in the selection?

None of these data would be hard to gather or present. Doing so need not violate anyone's confidentiality. After years of exaggeration and wishful thinking on both sides, the numbers might surprise us. And they would permit, at last, the beginning of a meaningful debate.

Unthinkable, you say? That, generally, is how the idea has been treated. The last time it was raised was in 1991, when a Georgetown University law student working as a file clerk in the admissions office sneaked a look at records and produced an article for the student newspaper on the gap between black and white classmates' LSAT scores. An immediate uproar ensued on campus and in the legal education establishment. The student was threatened with expulsion, widely denounced as a racist, chided by a *New York Times* editorial and eventually pressed to criticize his own actions. The civil liberties lawyers who defended him were threatened with the loss of their jobs. The information in the student's article was dismissed as improperly obtained, unscientific, the bigoted rantings of a resentful second-rater. A handful of conservative columnists backed him up by calling for the official release of individual institutions' admissions data. But these pundits too were written off as cranks and bigots, and within a few weeks the idea was dead. Nothing has been heard of it since.

But why should it be unthinkable for colleges to release this information? As things stand now, the academy is in the ugly position of having to pretend it is not doing something that just about everyone knows it is doing. Everyone knows, that is, that admissions officers expect and overlook *some* differential in affirmative action applicants' standardized test scores and grade point averages. What we don't know and what the release of data would reveal is just how much that differential amounts to at each college. Is the choice between an affirmative action candidate and the rival white male a close call—or does it involve a wide double standard? No one, white or black, wants to hear that there is a wide gap, that black scores are so much worse and accomplished whites so egregiously cheated. Yet by concealing their data, that is exactly what the colleges imply.

What would the data mean for race relations on campus? Might not affirmative action students be shamed? This is a risk of the highest order, and if more shame were likely, that would be a good reason for colleges to remain silent. Still, it is hard to imagine anything more insidious than today's climate—a situation in which the facts are obscured and everyone on both sides imagines the worst. Perhaps the release of scores and grades actually would bring relief to embattled black students. Surely colleges will be able to say that while they bend their standards for some applicants, some if not many in the categories targeted by preferences do as well as their white peers, and better. Besides almost no real gap between students could be as dramatic as what both blacks and whites now imagine it to be—and both black self-doubts and white stereotypes almost certainly would be diminished by knowing the truth.

What about the original goal—the desire to bring more blacks and women and other minorities into the mainstream? An honest discussion of the issue can only advance this aim. For one thing, if the gaps are as wide as many fear, admitting a few more blacks to college will do little to solve the underlying problem. Instead of addressing educational discrepancies caused by poverty and discrimination, we are merely covering them up and pretending they do not exist, and allowing ourselves to avoid what it takes to make a dent in them—augmenting Head Start, improving high schools and spending more equally among schools. That is where the real problem lies. Or does it? Only the statistics can tell us.

TAMAR JACOBY

Tamar Jacoby is writing a book about the recent history of race relations.

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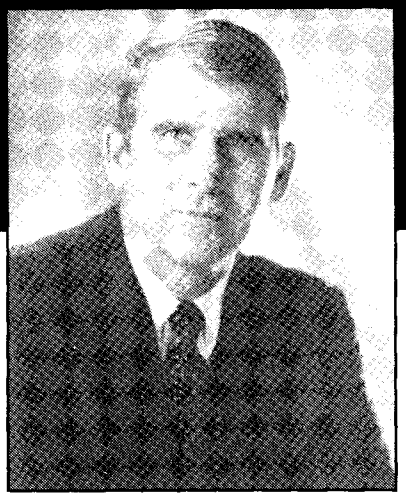

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BOOKS & The Arts

Stanley Kauffmann on Films

Fine Italian Hand

In 1988 Nanni Moretti's masterpiece *The Mass Is Ended* was shown in New York and was obtusely treated by the press. A bit of Moretti's earlier and later work was seen subsequently in New York in special showings, but nothing happened to make up for that mistreatment, to establish Moretti in this country with anything like his European reputation. There, a celebrated artist who writes, directs and stars in ultra-serious, frenetic comedies about his life and times, he is celebrated. Here zippo.

Two recent announcements cheered me up. The film branch of the Joseph Papp Public Theater announced a retrospective of Moretti's seven films, and the New York Film Festival announced the premiere of his eighth film, to be released shortly afterward.

At the Public I saw a Moretti new to me and saw again two that I knew. The first was *Bianca* (1984), in which he plays an oddball mathematics teacher at an oddball high school—named for Marilyn Monroe—where he has a passion for a student. I previously had seen, and enjoyed again, *Sogni d'Oro* (*Golden Dreams*), made in 1981, in which Moretti is more or less himself, a film director heckled by coevals for waxing slothful. The climax is a T.V. debate between him and a "rival" director, each supported by his fans, which includes a boxing match between the pair.

And I saw for the third time *The Mass Is Ended* (1986). Moretti plays a young priest who, after a time in a rural church, is assigned to his native Rome where he frequently sees his family and his old university friends. He is utterly devoted to his parochial work, and he tries to help his friends with their various problems, his sister and his parents with theirs. He fails completely: religion, in his person anyway, batters fruitlessly at modern complexities. An exception is an older friend who, after some foolish intoxication with the idea of becoming a priest, marries—is married by Moretti. The priest himself is soon to leave Rome for a wind-lashed church in Tierra del Fuego where he will be needed. His character, he thinks, will be more suited to that place.

That basic character is more or less the same in all of the three films and in (as I remember) two others that I have seen: a questing, perturbed, whimsical young man, as dissatisfied with himself as he is with the world. Political tremors vibrate around him. (Moretti has made a documentary that I have not seen of the latter-day fate of the Italian Communist Party.) He gets into troubles by following impulses. He asks sharp questions of complete strangers; he converses intimately with people he doesn't know; sometimes when frustrated he even throws himself on the ground in tantrums. In short, he behaves like a highly intelligent, witty child in an adult's body.

Moretti sometimes has been called the Italian Woody Allen. Not really so. Quite apart from the relative quality of their writing-directing-acting gifts, their personae are markedly different. Allen is an often funny, worried, whining stand-up comic, exiled from nightclubs, who wants us to know he has read some books. Moretti behaves as if he had been present at the Creation, is awed by this privilege and is furious at everyone who can't see the miracle—including himself when he wavers.

Two other characteristics run through his films, related to the child-man. He always gets to play at least a little football (soccer). He always gets to eat some sweets, usually pastries. (And keeps thin.) His production company is called Sacher Films, after Sacher torte, the Viennese killer chocolate cake.

All of the above are in his latest, **Caro Diario (Dear Diary)**, distributed by Fine Line. In a way it's his most daring film so far because it's about so little. Yet it succeeds, through his easy charm, his outbursts that are moving or amusing, the neat planning of the "free-hand" moments. The Moretti character this time *is* Moretti, presumably telling us truths about himself as we follow him through three "chapters" of his diary.

The first, "On My Vespa," opens with the camera trailing Moretti as he rides through lovely Roman streets on a summer day while we hear his thoughts. He visits different residential districts and comments tellingly on them, but this is secondary: he's really using Rome itself, its winding streets and foliage, to hold us. The streets are almost empty. When he meets people, all of them strangers,

FILMS WORTH SEEING

Clear and Present Danger. *Fast and cool. Ostensibly an action thriller—U.S. vs. Colombian drug lords—but basically an exposé of scummy American politicking. (Reviewed 9/19&26/94)* **Natural Born Killers.** *A Bonnie and Clyde pair before and after arrest. Oliver Stone's whirling, multi-styled explosion of their psyches and what went into them. Dazzling, though terrifying. (10/3/94)* **Princess Caraboo.** *A delightful tale. A sort of Kaspar Hauser story, set in England in 1817, fraught with good acting, good writing, excellent direction and design. (10/10/94)* **Quiz Show.** *The "Twenty-One" scandal of the 1950s. Not as suspenseful as the event because we now know the ending. But pithily written, electrically acted, and smashingly directed by Robert Redford. (10/10/94)* **—SK**

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he speaks to them as if they had been in the middle of a conversation.

The chapter ends with a trip to the dreary spot where Pasolini was murdered in 1975, a place to which Moretti had not been before and which he seemingly felt he owed a visit. All the high points of this chapter are connected with film. As he rides, he thinks of the spate of despairing Italian films in which youngish characters moan about their decay, and we see a sharp spoof of a scene from such a film. Moretti, reveling in his sunny city, shouts at these characters to dissociate himself from them.

Then there's a good gag connected with the American picture *Flashdance.* And after telling us that in summer the only films being shown are horror and porn, he quotes from a high-flown intellectual rave about horror films. In a fantasy scene he sits beside the bed of the critic who wrote this lofty nonsense and reads it to him insistently while the critic weeps and begs for mercy and tries to cover his ears with his pillow.

In Chapter Two, "Islands," Moretti goes to Lipari, an island off Sicily, to work on a film script. He stays with an eremitic philosopher friend, Gerardo, who never watches T.V. For various reasons the two men visit other islands, and, through Moretti, Gerardo is introduced to T.V. He is infected. On Stromboli he shouts down the slopes of the volcano to Moretti, asking him to relay questions to some American tourists about the fate of certain characters in soap operas.

Chapter Three, "Doctors," tells of a year that Moretti spent in going to various Roman dermatologists to rid himself of an itch that was driving him mad. One specialist after another prescribes a long list of drugs, each list different. He even tries acupuncture with two grave Chinese doctors. None of any of the prescriptions and treatments is of any use. By treating it all straight-faced, by never losing his temper with the doctors, Moretti manages to make the long medical pilgrimage funny.

Then, at a doctor-friend's suggestion, he has a CAT scan, and a growth is discovered on one of his lungs. The radiologist says it is inoperable. The doctor-friend disagrees. The growth is removed, the itch disappears, and Moretti is spared to us.

He is in his early 40s. As long as he is alive (may it be long), he will be encountering life, its irritations, which infuriate him, its joys, which in a way infuriate him even more because they are insufficiently appreciated. Presumably he will be sending back film reports to us on these encounters. Lucky us. •

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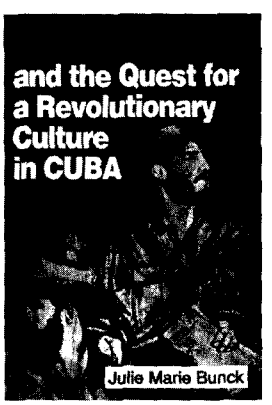

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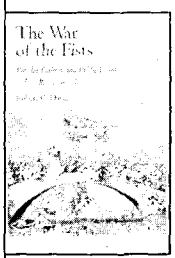

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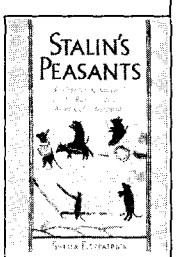

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The art of Dalí, monster and modernist.

The Hallucinogenic Salvador

BY SANFORD SCHWARTZ

I.

It's almost surreal that Salvador Dalí's first significant show in this country in thirty years was a scholarly examination of an aspect of his career that outwardly had little in it of what made Dalí Dalí. Adding more incongruity, the Metropolitan Museum of Art installed *Salvador Dalí: The Early Years*, which is mainly devoted to the work he did from his teens through his mid-20s, in a leisurely and elegant fashion. Each scrap was given the most proper breathing space, as if each had to be pored over. Yet what we were looking at, until the last pictures on view, were student works of the 1920s that only indirectly conveyed a sense of the artist's hand or mind. Dalí, who presented more than his share of the emperor's new clothes, would probably have appreciated the effect. But the outcome was to make the artist, who was a special figure within the Surrealist movement in the 1930s, and who baffled the world for the remaining forty years of his life (he died in 1989, at 85), even more of an oddity.

Salvador Dalí: The Early Years
catalog edited by Michael Raeburn
(South Bank Center, 248 pp., $45, $29.95 paper)

The Persistence of Memory: A Biography of Dalí
by Meredith Etherington-Smith
(Random House, 465 pp., $35)

Salvador Dalí 1904-1989: The Paintings
by Robert Descharnes and Gilles Néret
(Benedikt Taschen, 2 volumes, $79.90)

The Secret Life of Salvador Dalí
by Salvador Dalí
translated by Haakon M. Chevalier
(Dover, 400 pp., $9.95 paper)

This is not to say that the show, which was organized by the Hayward Gallery in London (it has now moved on to Madrid), was witless. Seen in the Hayward's purely functional, bare-bones space, with the pictures jammed together like so many documents, the exhibition at least seemed to have a certain low-key purpose. In an art-school-like setting, here was the essence of an art-school whiz kid, someone who apparently had little lifeof his own other than his absorption in the going styles. As he worked his way, beginning around the age of 16, through Impressionism and Fauvism, then through Cubism and Purism, the only remarkable note was the young Dalí's impersonality, the lack of what he is generally known for: his wild-eyed freedom. Except for a series of family portraits and Catalonian scenes done around 1920, especially one of his bald and prepossessing father surrounded by a fire storm of hot and juicy Mediterranean colors, few of these pictures said "Salvador Dalí," or anyone else. They're strikingly anonymous.

The reason *The Early Years* was put together in the first place, however, was to set the full scene for the paintings that supposedly cap Dalí's youth, the pictures of 1927, 1928 and most importantly, 1929. Although his vast popular audience probably isn't aware of this distinction, Dalí's reputation as a serious artist has long been based on his work from the late 1920s through the late 1930s, when he was a mainstay of the Surrealist movement. Many go further and believe that even his work of the 1930s is of dubious value. In his influential and authoritative *Dada and Surrealist Art*, William Rubin wrote, in effect, that 1929 was Dalí's only good year. The English and Spanish contributors to the Hayward's catalog are less emphatic, but Dawn Ades, the exhibition's principal organizer and a leading Dalí scholar, notes almost in passing that Dalí's paintings of 1929 are "in some ways" the "apogee" of his work.

Dalí's importance for the Surrealists at that time, and for art historians now, is that he found a way to put Freud on canvas. His images of bodily deformation and fraught encounters, bizarre couplings, masturbation, lovers of indeterminate sex performing fellatio and

SANFORD SCHWARTZ is the author most recently of *Christen Købke* (Timken).

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many other no-no fantasies were understood by the Surrealists to be the real thing. Here was a painter who, to a greater degree than any artist yet associated with the movement, was able to call forth the true texture of the unconscious life.

In *The Accommodations of Desires*, *The First Days of Spring* and *Illumined Pleasures*, among his strongest paintings of 1929, life becomes a hard, dry, brightly lit platform, where crowds of people with frantic faces rush by, men hold their hands up to their ears, lions roar, bearded men in suits come to rest on women with pocket-deep anuses for faces. The images embody a young person's sense of being apart from a clamorous and knowing world, and of having that awareness be the unbearable constant of every moment. We see a world governed by sexual drives, in which sex itself is too fearsome to be consummated.

To say that Dalí peaked at 25 with these works, however, is to say, of course, that he wasn't much. Many of these small pictures are impressive; but even in number they cannot function as the climax of a good-sized exhibition. Dalí may have licked the issue of Freud, but as an artist he was still only a young man beginning to know who he was. It's an aspect of how only moderately compelling these paintings are that another side of Dalí's work at the time, his association in 1929 with Luis Buñuel, his classmate from art school in Madrid, on the historic avant-garde movie *Un chien andalou*, had the real drawing power at the Met. (Portions of the film played continuously in an adjoining gallery.) The two men jointly wrote it, and Dalí, who appears in it for a second as a priest, also added some details; but it was Buñuel who pulled it together. With its abrupt and edgy sense of presenting everybody's sexualized dreamworld, the film would probably steal all the attention at any painting exhibition. Here, it did exactly what the youthful Dalí's pictures did not: it transported us to another place.

Rather coincidentally, the Hayward's show and catalog intersects with the appearance of Meredith Etherington-Smith's *The Persistence of Memory*, the first full-length biography of the artist. (Meryle Secrest's *Salvador Dalí* was published in 1986, when he was alive, and presents less material.) At the same time, a boxed two-volume *Dalí: The Paintings*, the first complete collection, has appeared, with a commentary by Robert Descharnes and Gilles Néret. And Dover has republished *The Secret Life of Salvador Dalí*, the 1942 autobiog-

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raphy that cemented his fame. Like the Hayward's *The Early Years*, these publications, instead of laying him to rest, suggest an artist whose identity and stature have yet to be gauged. Looking at his early work, and reading about Dalí, and reading him, and looking at a fairly comprehensive presentation of his pictures at the Salvador Dalí Museum in St. Petersburg, Florida, I found a much more complex and tortured man, and a more involving artist, than any of these approaches on its own presents.

Etherington-Smith's biography is fun to read, and while her aim is not the scholarly last word, she's quite discerning. She's particularly engaged, toughest and most outspoken when describing the life of Dalí and Gala, his muse, wife and business manager. When they met, Gala was married to the poet Paul Eluard and was known as the reigning siren of Surrealism. She was 36, Dalí was 25, and within months she gave this awkward young man the green light to exercise his erotic fantasies and tensions. The nature of their marriage, the way it turned into a prison for Dalí, and especially Gala's mercenary and possessive character, seem to have become Etherington-Smith's true subjects as she wrote.

What she doesn't really handle is the slippery issue of Dalí as a creator. It's fine for her to note that his later work doesn't have the importance of his earlier work, or that the paintings he made in 1929 are his best, but these standardized opinions don't seem based on her own looking. Like her other observations about Dalí as an artist, they're just plopped into the larger fabric of his life. The result is that Dalí himself is neutered.

He's neutered in *Dalí: The Paintings*, too. Descharnes, probably the principal author, has compiled and written numerous books on Dalí and was one of his key intimates. But Descharnes's enthusiastic yet coy tone, with its time-worn presentation of the dirty-minded genius, the Renaissance man with the dildo collection, is not going to win new admirers for his boss. Padded with photos, drawings, doodles and documents, these volumes have a pleasing scrapbooklike sprawl. Yet the paintings are reproduced routinely without any relation to their actual size—this for a painter of extraordinarily small and immense works. Because the dimensions for a given piece, in either volume, can only be found at the back of the second volume, and because those dimensions are only in centimeters, the books are, in a word, unhandy. And the color is often way off.

In many ways Dalí was a more uneven artist, and in his person a greater monster, than most of us remember. As the hair-raising pages of Descharnes and Néret's volumes fly by, you believe that he made some of the campiest, silliest, most histrionically horrific paintings in the history of Western art. No amount of his noted "Old Master" technique (which has nothing to do with what makes Dalí a good artist) can save these slimeball works. But he also had, as can be pieced together from the Hayward's catalog, Etherington-Smith's biography, and the extensive running commentary in Descharnes and Néret's volumes, a more intriguing, thoroughgoing and tough-minded conception of being an artist than might have been imagined. And alongside the painter of drivel was an artist who, while presenting as cool and cerebral a terrain as any twentieth-century abstractionist, could be as precisely and breathtakingly luxuriant in his color and touch as the finest Indian miniaturist. Not that Dalí was a second Matisse, waiting to be better known. He was a fantasist; his art pleases in the mind, not in the gut.

Courtesy The Salvador Dalí Museum, Cleveland

THE HALLUCINOGENIC TOREADOR (1968-70)

It's possible that no significant twentieth-century artist has left such a muddled, confusing legacy as Dalí. At the mention of his name, his painting *The Persistence of Memory* (1931), the image of the soft watches, automatically will appear on the mind's screen, as will the man himself, with his over-developed mustache, his ever-present cane, and his Esperanto-like manner of talking. Many people probably recall the later, highly public figure of the 1970s, advising Andy Warhol on merchandising and traveling in his own dicey entourage. People of a certain age will also recall Dalí appearing on talk shows, or selling one or another of his own products, or working with a deranged zest on, say, an Alka Seltzer commercial. Equally an Old World grandee, a fruitcake, and an interplanetary traveler, Dalí was the "first modern artist," as Thomas B. Hess wrote in 1976, "to star outside of art-world contexts."

Yet as Dalí became an ever more famous personality with the general public, his standing in the established art world grew stranger and, mostly, smaller. The Hayward's intensive show of his early years makes sense as an English product because a number of full-scale Dalí retrospectives, plus shows presenting new aspects of Surrealist art, have been held in Europe during the past fifteen years. But Dalí has not had an important exhibition in the United States since 1965, and his work, it would appear, has not been sought after by American museums, nor have aspects of it been shown by enterprising galleries.

That Dalí has been held at arm's length by our cultural supervisors stems from disapproval of the man himself, his outright venality, his megalomania (far-

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cical as it was), his manner of turning all art-related activities into a joke. The larger issue, though, is his painting. Dalí's art of the 1930s showed a man working in the spirit of Miró, de Chirico, Tanguy, Ernst and Magritte. His pictures presented a lush dream world gone wacko, a Mediterranean theater set where the most bizarre encounters between people, or creatures, or things, would be painted with pinpoint exactitude. Beginning in the 1940s, though, as he turned to themes from Italian Renaissance art, religious art and modern science, Dalí's painting seemed to become increasingly unhinged.

The problem with these later works, it generally was felt, was that with their gleaming clarity and tricky angles and perverse details, Dalí was merely piling on the kitsch. Gala, for example, would appear in one picture as Queen Isabella of Spain, or in another as Leda, or in still another as the Virgin Mary. Who or what Gala was in these pictures was hard to determine. Shown with a coy or bland or happy face, she invariably seemed about as indigenous to the scene as a decal. She was an intruder from the world of reality, and her presence made the picture feel like a private joke. Dalí seemed to be making bogus masterpieces, showcases for painterly pyrotechnics.

By some time in the 1940s, and for the rest of his career, Dalí worked with relatively few ties to the art world. He exhibited and sold his pictures entirely on his own terms, and this isolation from the art scene has continued, in a way, in the form of the Salvador Dalí Museum, which presents the large collection of all phases of his art assembled by Eleanor and A. Reynolds Morse. The Morses are an Onio couple who purchased their first Dalí in 1943 and over the next thirty-odd years built a comprehensive overview of his work. By the early 1980s their collection had found its way to St. Petersburg, where it is now housed in a pleasantly straightforward structure and "held," as its catalog states, "for the benefit of the people of Florida."

The Morses' desire to share these works, and the care with which they selected their Dalís, were admirable. What didn't help was Reynolds Morse's many loyal and hectoring publications. If Dalí is something of an untouchable in some circles, it partly derives from the way Morse has continually described his hero as the true savior of an otherwise debased twentieth-century art. Morse made people believe that a freaky loner of an artist had been given the defender he deserved.

II.

The essence of Dalí was his two-sidedness, his presentation of one idea and its opposite, and his nerve-wracking refusal to vote for one over the other. It was impossible to tell whether the man was for real, and that seemed to be the point. Dalí's pictures, in turn, show a universe where almost nothing is as it seems. Unconscious desires and fears are painted tenderly; people, rocks, water and all other matter are fluid and interchangeable; and disparate painting styles and kinds of representation exist in the same picture.

What Dalí seems to have wanted most to paint was not doubleness, though, so much as the very instant when disparate ideas, or images, are brought together—or when that instant is lost and all is chaos. He found his metaphor for that instant in the form of light-saturated crenelations. When he paints the bubbly surface of a crust of bread, or the ridges of a mountain range, or the folds of a vagina, or any of a number of bunched-up things, he might as well be showing sheer mental energy, matter brought to the boiling point of transformation.

There actually were two Salvador Dalís. The first, the artist's older brother, died before he was 2 years old. As death

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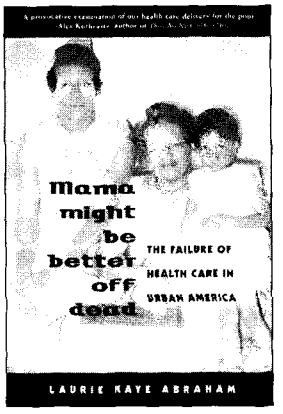

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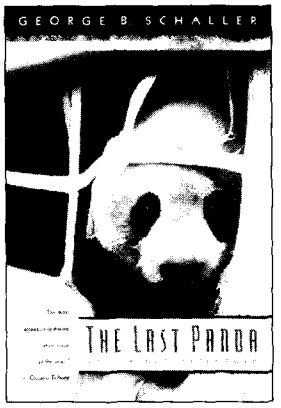

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and birth certificates made clear, the second Salvador, the artist, was conceived within days of that death. The picture of the first Salvador remained over his parents' bed, and his younger brother grew up under it, forever aware of having been the replacement, never certain of where he stood with people.

The result was someone who saw himself, from boyhood on, as two Salvadors (at least). The one worked like a dog in his studio for long periods of time. Even into his 50s and 60s, this Dalí wore casual clothes, let his mustache go slack, put in tremendous numbers of hours polishing his stupendously intricate pictures, and was something of a regular guy. His work done, a second Salvador would step in. A dark suit accompanied by a gold waistcoat would be donned, the mustache would be waxed, a cane would be taken in hand, and Dalí and Gala would leave the studio at Port Lligat, the town near where he had vacationed since childhood with his family. The Dalís would take the train to Paris, and after a few months, their schedule exactly the same for years, they would move on for a few months to New York.

The Dalí in the dark suit was inebriated with Nietzsche and with Wagner's music, romantically infatuated with the idea that nothing was phonier than sentimentality or altruism, in love with the notion that to be selfish, even cruel, is to be honest. He played the villain, the spoiler, the embodiment of the perverse. Whether it was working with others on exhibitions or charity balls and then reneging on his part of the duties, or announcing, in the 1930s, an erotic obsession with Hitler, or sucking up to a repressive Vatican, or outrageously courting the wealthy in Paris, New York and Hollywood, or parading an obsession with money, or worshiping Franco, his actions and his opinions form a guidebook to the socially, morally and politically incorrect.

Was it all a mountain of self-hatred, a demonstration of an Oedipal revolt frozen in time? Yes, to a degree. In some way, Dalí's whole enterprise was about killing the father, whether the father was literally his own, the staunch liberal anarchist Salvador Dalí y Cusi; or the provincial Catalonian world Dalí came from; or Picasso, who was a generation older, and was, as a Spaniard who had conquered world art, everything Dalí aspired to become; or Picasso's invention, Cubism. Dalí was joining his voice with that of Miró, a fellow Catalonian who was briefly his guardian angel, in believing, as Miró said, that "fear" tactics were as much needed to handle the Parisian avant-garde as the provincial art scene home in Spain.

More theoretically inclined than Miró and more aggressive, Dalí made of his inverse modernism an elaborate system, one where he wound up believing that modern art took a basic wrong turn with the Impressionists and especially with Cézanne. As the Hayward's show makes clear, Dalí's Cubist paintings were little more than boasts that he could talk the talk of the current scene. And his ideas weren't developed in isolation, by any means. His duelist's approach to his culture was worked out with Buñuel and others. But none, including Buñuel, was as ferociously committed to being modern in itself. His dismissal of his other famous classmate, Frederico Garcia Lorca, for the poet's "traditionalism," still has a sting in it.

In a position paper of 1928, for example, the 24-year-old Dalí wrote with a typical bluntness: "Modernity does not mean canvases painted by Sonia Delaunay, it does not mean Fritz Lang's *Metropolis*. It means: hockey jerseys anonymously manufactured in England, it means comedy films that are also anonymous and considered *stupid* [italics his]." Dalí's theories at their best revolve around this indirect, seemingly unserious, and seemingly antagonistic conception of modernity, one where the modern has to be reinvented continually, where it needs to be cut from its own desire to academicize itself, and where its future, at any time, is in the hands of "the stupid," that is, whatever doesn't take itself as art.

Whether Dalí was primarily a performer, a painter or a writer can be confusing, and he, of course, tried to keep it that way. (Or was he himself uncertain?) Reynolds Morse wrote that Dalí told him countless times that it was his "personality" that would live longest. Perhaps also taking their cue from conversations with him, Descharnes and Néret say that, apart from the man, the paintings are just so many images.

Dalí the performer and personality certainly remains an overwhelming item in the writing about or by him, and in the images of him. Calling his appearances "performance art," though, as Etherington-Smith does, gives a deadening portentousness to acts that were primarily meant to jolt everyday reality out of focus. To say that he was creating "performance pieces" when he staged one of his rustling, combustive walk-ons at a fashion show, or attempted to address a public gathering on the subject of Surrealism in a diver's outfit (in which he nearly suffocated to death before the assembled crowd), or arranged for photographers to visit him at a patron's estate, only to find him sitting calmly in the library, painting, with a prize bull in the room beside him, is to give these demonstrations a to-be-catalogued importance that goes against their nature.

Still, Dalí clearly was one of the founders of that nebulous thing called performance art. And in the best of the many staged photographs that he and

Vital Signs

The subject lies there motionless, apparently
Helpless, and you're concerned
To find out through the vital signs whether this
Is the living end.

When you lift one eyelid, you see (if that apt pupil
Shrinks from your light)
That the mind behind it still feels willing to choose
What it won't admit.

If a mirror held near the brim of the parted lips
Turns gray as a ghost,
The coming and going of air still makes a home
For the body's guest.

If your fingers at the throat, pressed lightly, feel
The faintest heartbeat
There where the first word was, that impulse means
The last is not yet.

But if the eye remains unflinchingly wide
And dark no matter how
Your light may pour against it, if your mirror
Stays clear as a window,

And if your fingers wake no resonance,
The subject is closed
Even though she rises then and walks away,
Smiling, uncompromised,

And none the worse, it would seem, for being found
More unaccountable and odd,
More undetectable and indefinable than
Those living or merely dead.

DAVID WAGONER

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Philippe Halsman produced together, his brand of commotion-making takes on a faceted beauty. (It is reproduced in the section of biographical documents in the second volume of *Dalí: The Paintings*.) Coming up from a crouched position, a squat and powerful Dalí, wearing the dark suit that was his battle gear, looking the very opposite of the cardboard Mephistopheles of memory, delivers a mighty kick to a smiling nude young woman. She flies straight up, along with different-size baguettes that zoom here and there.

The many flying breads, and the way one of them neatly covers her genitals, are perfect touches, while Dalí's clenched fist gives the picture an unexpected gravity. What transforms the scene is the way Halsman, in shirt sleeves, looking both casual and concerned like a lab technician attending an experiment, is a part of the picture. Halsman's presence takes the photograph out of the realm of Dalí doing another cute Surrealist thing. It suggests that Dalí's need to disturb was an affair midway between a compulsion and a ballet.

But then Dalí would tell people that his enduring work was his writing, and certainly few twentieth-century artists have written so much, or in so many forms. There are position papers, diaries, art historical appreciations, criticism and a novel, *Hidden Faces* (1944). *Fifty Secrets of Magic Craftsmanship* (1948), an advice book for painters, copiously illustrated with Dalí's drawings, is enlivened throughout with a tone, and asides, reminiscent of another connoisseur of both pedantry and junk, Vladimir Nabokov. And *The Secret Life*, reissued in a handsome paperback, is no artfully modest undertaking. Although Dalí lards every aspect of his life with meaning, psychoanalytic or otherwise, he takes us, chapter after chapter, into situations that are equally preposterous, comic and violent.

In its time *The Secret Life* was notorious as a catalog of the perversions, tics and hang-ups possible for one person. What stands out today is Dalí's gift for narration. We follow along inch by inch, as he describes how he is going (or not going) to take the drawing exam to get into art school, or give a speech at a big public gathering in his town, or catch the eye of an elegant woman at a bar. In Dalí's slowing down of the narrative and making each tiny physical detail stand out, the reader feels he's looking in on the world with a magnifying glass. Everything is being seen and sensed as if for the first time.

Dalí's best paintings deliver the same goods. The art establishment's brief against his work was that, while his imagery was contemporary enough, he denied the spirit and excitement of modern art, which lay in letting the artist's materials dictate his form and content. And when Dalí is taken seriously, as in the Hayward's catalog, the discussion is literary. His paintings circa 1929 are read, and admired because they can be read, as illustrations of Freud and the tenets of Surrealism. Yet the experience of Dalí's work is not very different from our experience of other twentieth-century masters. His paintings are successful when they have the texture of collages, when we can feel how different elements in them are painted in different ways.

What rarely is noted is that Dalí found himself when he began working as a miniaturist—that is, when he made some crucial element in his pictures a touch too small, so that the viewer has to do some extra work to comprehend what is going on. Dalí never stopped being a miniaturist, even when his pictures became colossal in size. He almost always made some element in them microscopic. In being spurred by miniaturism, moreover, Dalí was very much a member of his generation. In creating an art governed by the idea, which implies a setting with an exaggeratedly deep inner space, which has to be read, or deciphered, he was on the same track as Miró, Tanguy, Ernst and Giacometti.

It is often said that Dalí never created his own miniaturist style, that he merely borrowed, on the one hand, de Chirico's deep shadows, far horizon line and stage set-like barrenness and, on the other, from Tanguy, the sense of a seaside world where the atmosphere is vaporous and the figures or creatures are drawn with crystalline precision. Dalí probably did make his first real leap, when he was about 23 and still living in Catalonia, by absorbing Tanguy's then brand-new art. Tanguy himself, though, was probably inspired by Miró. Yet Miró couldn't be called the father of this outbreak of miniaturism, because Ernst, in his best work, came to the idea from a completely separate track. Nor was Miró on Giacometti's mind when, beginning in the late 1930s, the sculptor started to forge a new and personal art by cutting down his plaster figures again and again until, left at about an inch in height, they finally seemed authentic to him.

And what was miniaturism for this generation of artists but the desire to create in the mind and eye of the viewer the sense that he had crossed over into

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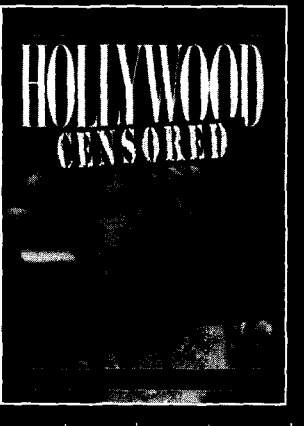

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an alternate world, that what was being seen was not a charmingly diminutive version of reality, but a conceptual, symbolical universe? Especially for artists who thought of themselves as ambassadors of the new science of psychoanalysis, and who looked to their own anxieties, especially Oedipal ones, as material for their work, miniaturism had to be a form of passive-aggressive endeavor. It was, surely, a way of turning their backs on the heroically conceived pictures of the generation of Picasso, Matisse, Léger.

Dalí's most famous work in this country is, of course, *The Persistence of Memory*. The Met included it in the show (it wasn't part of the Hayward's exhibition), and for most viewers, who probably wondered where the Dalí they remembered was in all these student works, the picture was a relief. Yet it's not a first-level Dalí. It has little of his effort to make of a painting an assemblage of differently treated elements.

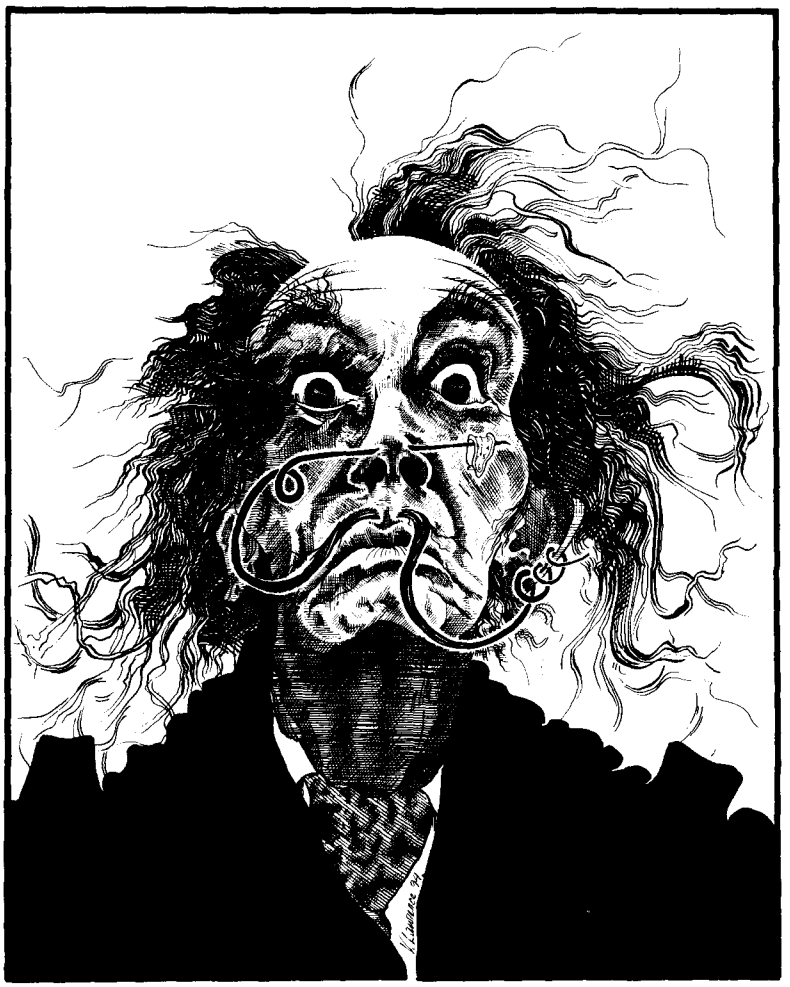
Dalí was actually in a state of continuous experimentation in the 1930s. In some of his liveliest pictures, which are often of Gala or other people seen on a beach, he may have been the first painter to re-create the over-lit or washed-out effects of everybody's family-album snapshots. He was animated by his evolving sense of instantaneity, and his effect is an unobvious, unaccountable sort of creepiness.

But Dalí's best paintings of these years, which were made on increasingly bigger canvases, are about neither grotesqueness nor disquietude so much as metamorphosis, hiddenness. Where so many of the paintings of the early 1930s seem to take place at sunset and to express a warm sadness, the colors in Dalí's paintings as the decade advanced are unpredictable and stunning. *Metamorphosis of Narcissus* (1937), in the Tate, a mountain scene comprised principally of fiery oranges and cool blues, looks forward to Arshile Gorky, to paintings where, although full of drawing and design, color itself, seemingly changing its nature as we look, is the protagonist.

How much do Dalí's paintings of the second half of the 1930s have to do with Edward James? It isn't a total surprise that Dalí and James, an Englishman known as an art patron and eccentric, had an affair. Meryle Secrest mentions it in her biography. But in her account, their relationship was a one-night encounter of no consequence; and this reading squared with Dalí's rebuff to Lorca, some ten years earlier. Dalí had rejected the poet's ardent physical love as flatly as he rejected Lorca's "sentimental" verse. Etherington-Smith, though, states that in "the period preceding World War II, Edward James and Dalí became lovers." Quoting from unpublished James letters, we're given to understand that Dalí was fundamentally homosexual. That is, Etherington-Smith leaves James's remarks as the last words on the subject. Even after the two men broke off, we read, about Gala, that she was "always on her guard against potential rivals for Dalí's affections, though these were not usually women."

What is certain is that, between June 1936 and June 1939, James was Dalí's only patron. For a yearly stipend, payable in monthly installments, James became the owner of everything that Dalí produced, their contract stipulating that the artist had to produce specific quantities of paintings and drawings. Gala, whose thoughts about James were exactly what you'd expect, continually tried to sell on the side; relations between the three were rocky. Yet this union clicked for Dalí. His work from around 1934 culminated in his double-image paintings, which are his finest, deepest achievement.

The idea of a double-image painting, where the picture changes its appearance by the second, like a pin flickering between a crucified Jesus and a winking Jesus, sounds like Dalí the bad boy attempting to discredit the very art of painting. On first seeing *Apparition of Face and Fruit Dish on the Beach* (1938), in the Wadsworth Atheneum, in Hartford, Connecticut, one of his finest works in this country, you can feel that the gleaming, seemingly gimmicky picture, which engages your eyes in a game of winkmanship even as you walk toward it, is an intruder from the world of the circus. After a while, though, it makes the nearby pictures by Tanguy, Balthus and de Chirico, good examples as they are, seem genteel, dated, retiring.



DRAWING BY VINT LAWRENCE FOR THE NEW REPUBLIC

Apparition is best described as an abstract work about representation. You see a sort of flattened, empty, lunar space, on which disparate elements have been stuck to form a face, as a nose, a hat and ears might be stuck on a Mr. Potato Head. But on close inspection, this big, grinning, mischievous face dissolves, so that the mountainside becomes a dog's head, the boulder becomes an old peasant woman's back, the eye of the grinning face becomes a boy lying on the ground. The entire work becomes a pulsating, blinking organism, one where the calling forth of this level and the dampening of that level is itself enjoyable.

Given his love of going against the grain of orthodox modernism, Dalí's double-image pictures should lend themselves to complex literary interpretations. But he doesn't set up situations

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where, beneath a serene beach scene, there's a caldron of debauchery. The image we "discover" isn't any more potent than the image we saw initially. Dalí might be saying that reality is often a mask in itself, and that there is often a totally different story riding right beneath reality—but also that no level is truer than any other. In formal and visceral terms, we're given a sense of sheer physical two-sidedness. We're left with an image of an inner tension between the elements in the composition that isn't all that different from the tension in purely abstract paintings, whether by Mondrian or Albers.

III.

If the American art establishment has relegated Dalí's painting from the 1930s to the margins of modern art, his painting after that decade has been given no part in the story at all. Even when this work, as in some English interpretations, isn't censured, it still isn't really brought into the conversation. Yet his work from the late 1940s on is the most intriguing Dalí right now, if only because it's like a continent that never has been explored.

The Dalís lived in the United States from 1940 through 1948 (they left Europe largely because Gala was Jewish), and there's no question that, during this decade, Dalí didn't have a clue. An admirer of American popular culture since the early 1920s, he was ready to incorporate bits and pieces of American life into his paintings. But when he added a Coke bottle in a takeoff of Raphael, or baseball players, nothing jelled. And while he eventually recovered his power as a painter, he seems to have become addicted, when he lived here, to making chintzy quickies, truly commercial rip-offs of the Surrealist spirit that mostly depend on incongruous juxtapositions. They seem to show a rising level of self-contempt.

Looking at Dalí's later work in the two-volume collection is not recommended for purists with high blood pressure. We follow the artist from pastiches of his own 1930s art to pastiches of Raphael and Leonardo, pictures that emphasize every fey note in this terrain. Dalí made a serious attempt to be a religious painter in the 1940s and 1950s, too. At the same time, horrified by Hiroshima, he experimented with images of various forms of atomic power, taken from science journals, his favorite reading. He took on commissions for society and Hollywood portraits. There are also experiments in picture-making, including one where, using an ancient

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rifle, he shot nails into copper plates. And there are sexy, or just sleazy, nudes, male and female (and pornographic drawings have been thrown in, too).

In his last years, Dalí raided Velázquez, Raphael and Michelangelo, amalgamating their images with his own trademark details, including the soft watches. He was interested in holography, stereoscopy and other procedures, so we see numerous nearly identical double paintings. There are pictures festooned with graph lines and charts, where he might have been an experimenter in optics. And here and there you find a delicate and lovely painting of a garden, or a fisherman mending a net, each suffused with Dalí's feeling for a tingling, precise light.

Presumably with the artist's backing, Reynolds Morse wrote that Dalí in these years made some twenty or so serious paintings. Morse called them the "masterworks," and he stipulated that a criterion for a picture's being included in this category was that it was at least five feet on a side. Dalí's studio procedure, where he would shut himself away in Port Lligat for months, usually with one good-sized canvas, sometimes returning to it the following year, implies that Morse is right. (There is no mention of these distinctions in Descharnes and Néret's volumes.)

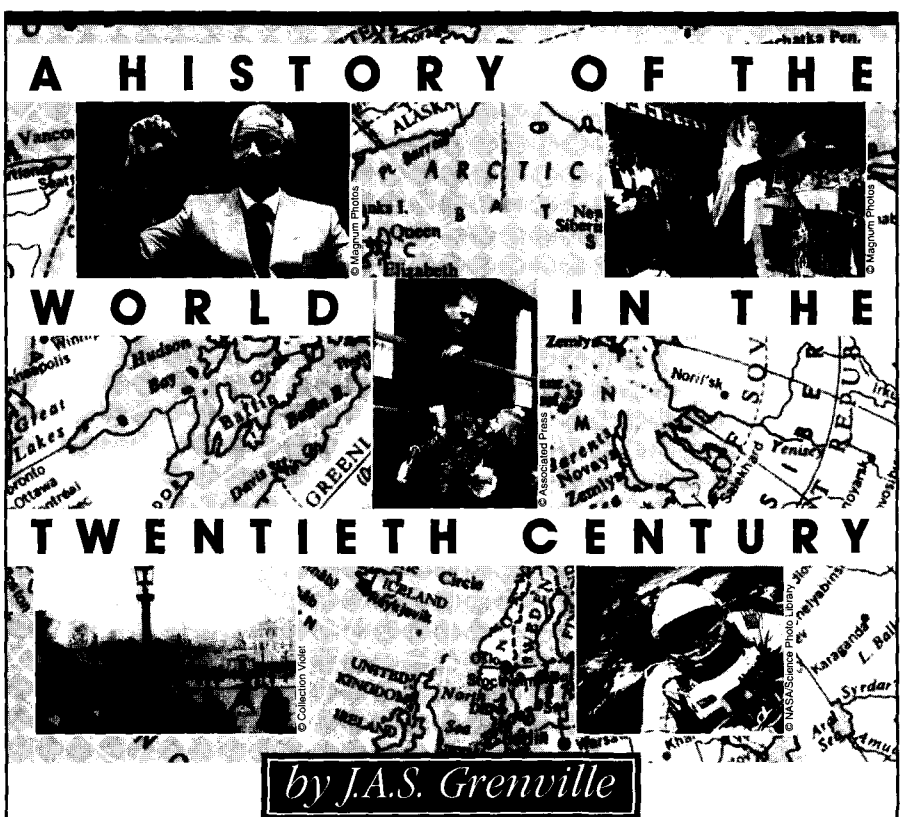
If and when Dalí's art from the second half of his life gets a fresh viewing, though, it's not likely that the verdict will be that the larger pictures are the significant ones and everything else is fluff. Some of Dalí's more ambitious paintings from this time, works such as *The Last Supper*, in the National Gallery in Washington, or pictures that feature Gala as Leda Atomica or the Virgin Mary, which struck many as phonies from the day they were unveiled, might look different in a carefully chosen exhibition of all his painting. But Dalí's strongest later pictures aren't the large ones. They are the works that show more immediately the ordered, comic, convoluted and frightening buzz that was his mind.

Some of Dalí's best pictures from the 1950s on are actually little different from his acclaimed works of 1929. The luscious soft colors and shadowy effects of his paintings of the 1930s have been replaced by a hard, bright light. In St. Petersburg, for example, both *Still Life—Fast Moving* (1956), a tabletop scene where each element has been trapped, as if by a flashbulb light, and *Dionysus Spitting* (1958-60), a picture of quivering metamorphoses involving food, are powerful and uncategorizable. And where the still life is over five feet on a side, *Dionysus* is some twelve inches.

Dalí's art seems to lead up to a thirteen-foot-high painting in Florida called *The Hallucinogenic Toreador* (1968-70). It's a double-image work that revolves around the "face" that he saw in the shadows of the Venus de Milo image on the Venus Velvet-brand pencil box. The core of this phantasmagoria is a row of different-size versions of the Venus de Milo. In and around them Dalí painted bits and pieces from many of his earlier pictures, including a Mediterranean beach scene, flies, himself as a boy, a floating head of Gala and, embedded in a picture with unusually lush colors, the image from the pencil box: a bullfighter in a beret, a man looking off with a resigned expression.

In reproductions, the face is immediately apparent, but if you come upon the actual picture without knowing that it contains a double image, you might not see it at all. Alerted that a separate image is lurking, you may find yourself working hard to find it, and thrilled when the face materializes. Yet the sheer surprise of finding the bullfighter isn't Dalí's point. His goal is to have a picture that moves as it's looked at.

With its sense of an endless flow of golden and pastel colors, *The Hallucinogenic Toreador* may be too pretty for its own good. Yet, looking at this massive



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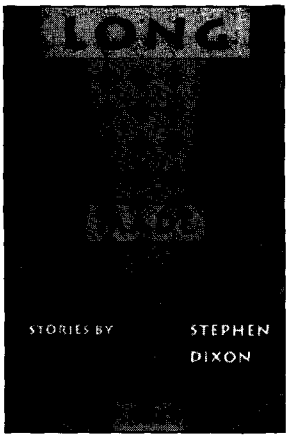

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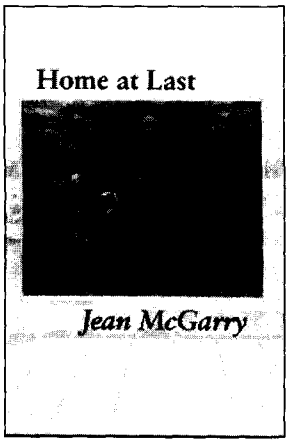

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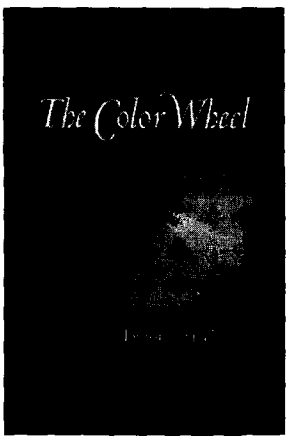

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work's structure, where a cascade of various painted images almost conceals the seemingly non-painted, photograph-like, black-and-white image of the bullfighter, you can't help but be impressed by how the artist, who had been on such a singular path since the 1950s, arrived at the same conclusions as avant-garde movements one and even two generations younger than himself. *Toreador* could pass as a piece of bejeweled Pop art; but it's closer to the work of younger painters—Sigmar Polke, Julian Schnabel, Carroll Dunham, David Salle, Anselm Kiefer—who weave pop elements and photographlike elements into their pictures not for irony's sake, but as if to present the very texture of memory.

And while Chuck Close doesn't have much in common with these artists, his portraits of the past few years especially, which refocus as you move around them, are oddly connected with this and other Dalís, which ask a viewer to do the same thing. Dalí's pictures actually make the family tree of twentieth-century painting read a little differently. Realizing that *Toreador* is basically a development on his double-image paintings of thirty years earlier, you see those works, which came out of his desire to trump Cubism, as ancestors of what might be called the psychologically layered paintings of recent art.

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The sadness pervading the bullfighter's face, coupled with Gala's not very pleased expression, as her head floats off to the side, make the picture seem as if it were a message, perhaps sent from the artist to his wife. With our knowledge of Dalí's relationship with Edward James, and with the bullfighter's resemblance to photographs of him, it's conceivable that the picture is, if not specifically about James, then about half-buried emotions. The painting is a kind of continuation, thirty years later, of *Apparition*. It isn't a secret that the grinning face that forms the core of that picture belongs to Lorca, who, like James, wanted Dalí. When *Apparition* and *Toreador* are taken together, on poetic terms, they're about the part of Dalí that, unable to have either man be a continuing part of his life, turned both into ghosts.

The Dalí who smothered this aspect of himself isn't, however, truer than any other. Gala's was not the softly beating, impalpable face at the center of his work, yet there would have been no Dalí at all without her. That simply being with her gave him the assurance to release his novel energies is very likely. There is no question that, signing his works with both their names, he genuinely believed that his art was a collaborative effort. He generally praised her in a farcical and outlandish way, yet in an interview late in life, talking simply and directly about the period when they met, he said, "She knew I was not the flighty Argentine dancer I seemed to be...."

Dalí went on to produce a flood of work in the 1970s. He spent years developing the "theater museum" of his art in Figueres, the city he grew up in, and in various experiments he continued in his attempt to make pictures that somehow jumped when you looked at them. Yet, absorbed by theories of catastrophe, his own life seems to have become catastrophic. Etherington-Smith is very engaged by the "bleakly perverse life," with its public scenes, sexual tumult and groupies, that Dalí and Gala lived in these years. As his biographer presents it, Dalí's philosophical "act," his desire to play the Nietzschean monster indifferent to people's feelings and to the conventions of society, ran aground on the shoal of a real, non-theoretical monster, a collaborator who was excited by money, power and sex, not by Nietzsche.

Although Gala remained their business manager (with increasingly inept results), and continued, as she always had, to read aloud to Dalí when he worked, they had come to lead separate lives. Gala was installed in her own headquarters, a stream of young men at

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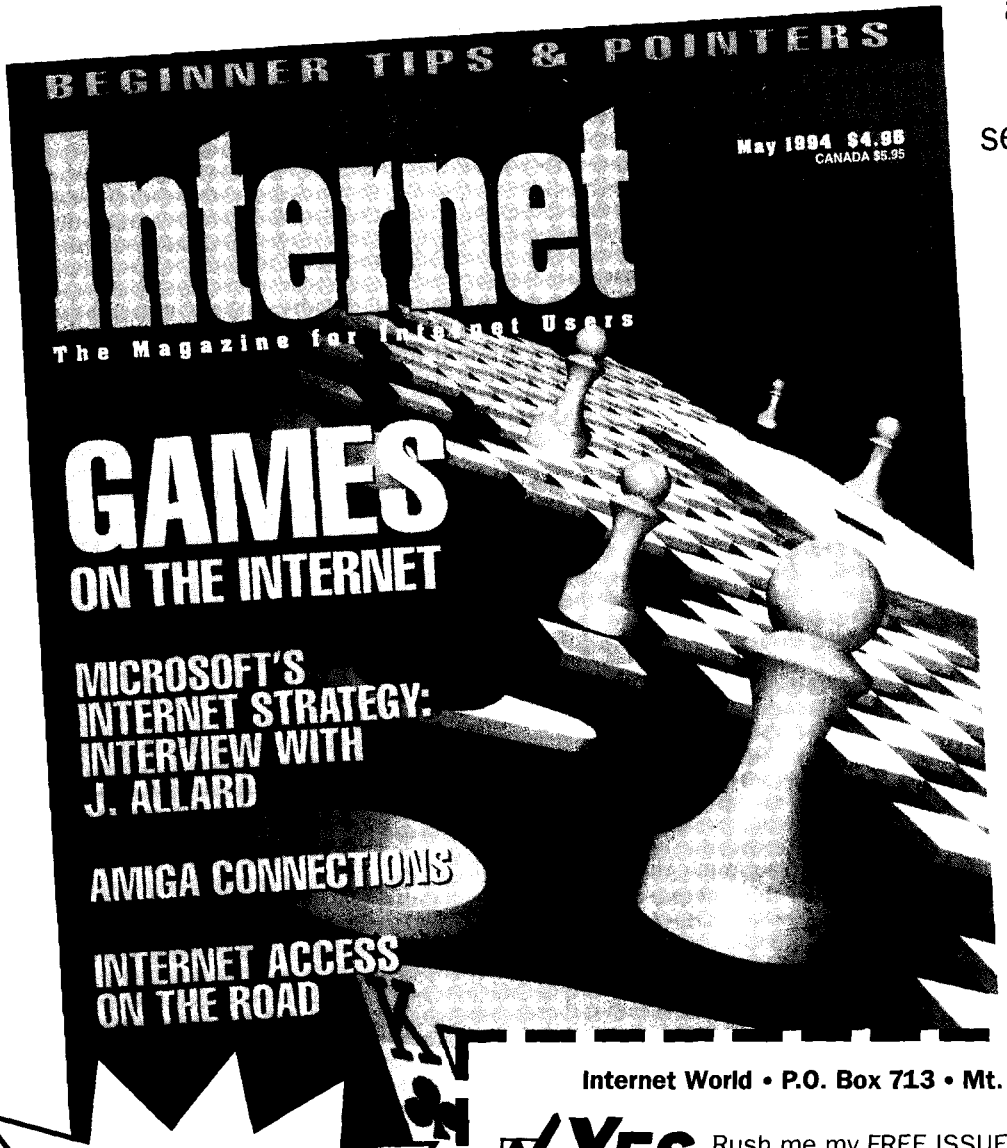

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hand even in her 80s. As for Dalí, his need to be the ringmaster for people he had no respect for became equally sinister and pathetic, reaching a climax during a period when his entourage was made up of transvestites and dwarfs, and castles would be rented for "erotic Masses," orgies in which he was strictly a voyeur.

By the late 1970s, neither Dalí nor Gala could take such a life anymore. They both suffered major physical setbacks, and neither fully recovered. When Gala died in 1982, in her 90s, Dalí went into a tailspin. He lived his last seven years almost totally a recluse. He was literally waiting to die. His vigil was broken principally by a horrifying incident in which he impatiently pulled a bell-cord and set off an electrical fire that burned up his bedroom and sent him into the hospital for painful skin grafts.

Before he put down his brushes for good, Dalí made a final series of pictures—probably after Gala's death, since they're dated 1982-83—that seem to contain the same tragicomic energy that he put into his bell-ringing. One of the first is *Bedside Furniture Attacking a Cello.* It shows exactly that: heaving, contorted furniture in combat. Then the series continues, as if in a final demonstration of how his mind worked, taking the motif of the cello's sound hole and going with it from image to image, winding up with a painting where the curling line is connected with a theory of catastrophe and with Dalí's most famous prop, his mustache.

To judge from reproductions, it's hard to say if any of these paintings are more than illustrational. *Bedside Furniture Attacking a Cello,* though, seems to be a lively and beautiful picture. The title alone is a happy thought, and it's good to know that, when it came time to sign off, Dalí hadn't lost his fury. •

Purity and Danger

BY LEE RUST BROWN

The Kingdom of Matthias
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Who are the true Israelites? Americans have been coming up with startling answers to this question for a long time. Ours has always been a nation full of prophets, demi-messiahs and heirs to the throne of heaven. It has proved big enough, too, for any number of Zions. Especially within that spectrum of religions leading out from Reformed Christianity, the issue of divine election still strikes individuals as a call for fresh enterprise rather than for obedience to some settled state of being. In one charismatic soul after another, protest and revelation converge to an irresistible point and suddenly, finally, the time comes to pull apart from prior bodies of belief and to gather up God's real kingdom for good. Each new gathering anoints a new chosen people, with its own view of Zion and the gentiles raging against it. And we miss the point if we object that those who glory most in their chosenness show little to support their claims beyond their own confidence and the devotion of their followers. What lets us into the manifold creative history of American religions is just what lets us into so much else in American life: the fact that, here, self-election masters all evidence to the contrary.

Such a premise implies terminal effects as well as original ones; and most of our fresh gatherings over the past two centuries have set their hearts on the end-time. Nineteenth-century evangelists such as Lyman Beecher and Charles Finney assured their people that faith and hard work would bring the millennium, when America, if not the world, would unite under the totalized dominion of their new Christian virtues. Numerous others, having more faith in the visions of Daniel and John of Patmos than in human possibility, have prophesied an imminent Second Coming in which Christ will destroy everything except themselves and those they approve.

Some of these latter groups, such as the Seventh-Day Adventists, the Assemblies of God and the Churches of Christ, have risen to major places among our religions. A few others mainly have left their mark in violence or scandal. The rest prosper in obscurity, or dwindle away, or split again over further grievances and revelations. Still, in spite of the fullness of time, or as a sign of it, the creation of American holy communities continues to exceed any attrition among them. As it turns out, our self-elected prophets and messiahs have guaranteed us a kind of backhanded democracy. One thing that we have in common, whatever our beliefs and affiliations, is that we all bear the mark of the gentile, laid on us from more sources of unquestionable authority than we will ever be able to account for.

Every religious group must draw a line between insiders and outsiders. For some, this line extends a pluralistic salute to those without. With the end so near, however, many have felt it their duty to make sharper distinctions; and their eschatological forecasts reflect not only their positive faiths, but also their judgments against the world at large. Last year a spokesman for the Southern Baptists, the largest Protestant denomination in the United States, predicted that 46.1 percent of Alabamans will suffer damnation, a figure not meant to comfort New Yorkers or Californians. Mormons, the fastest-growing of American chosen peoples, are both more and less generous: they baptize all dead gentiles, Baptists included, to give them the chance for posthumous conversion and hence a "ministering" place in the Celestial Kingdom. The Jehovah's Witnesses are not quite so cheerful about the fates of outsiders, and neither are the various Pentecostal and primitive sects that sprout and wither like the grass.

It is hard getting past the American lesson in religion: that the freedom to stand in one's own regard to the light, which in a sense seems so exhilarating and so full of communal promise, also breeds a field of mutually exclusive claimants. No single axis of authority will disclose itself among all the crisscrossing hopes and judgments. One finds only the soul, whose nearness to God averts it from traditional paths, and the scripture, a text as open to invention and exploitation as America is.

Along with these liberal conditions, the very welter of our religious identities has historically made up much of the challenge that new religious movements set out to address. Whether they come as broad revivals or as fresh cults, new groups distinguish themselves not only for the sake of their peculiar visions, but also in order to cure confusion with the clearest of all possible answers. The unintended result, as we witness in the progress of fundamentalism in this century, is that new holy communities only swell the spiritual jumble by throwing in one more model of exclusion. Every

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religion reborn in America proves itself separatist—and never so thoroughly as when it aims to capture the whole.

In such a wilderness of competing claims to authority, it is not surprising that some of our newborn religions should have desired a genealogical foundation for their chosenness. Lost tribes turn up in the most surprising places. The prophet Joseph Smith, who held himself to be a direct descendent of Jacob through Ephraim, told his followers that their own conversion to Mormonism effected a literal genetic transmutation. "The effect of the Holy Ghost upon a gentile," he said, "is to purge out the old blood, and make him actually the seed of Abraham." In a less magical vein, the first point of correspondence between the Aryan Nations and the Nation of Islam is that each considers its people the authentic remnant of Abraham's race. In their diametrical Armageddons, neither remnant foresees sparing the other, much less the historical Jews, who find themselves only another tribe in a nation of overlapping Israels.

Surely one of our most extravagant cases of revealed Hebrewism was that of Robert Matthews, whose story is told in Paul E. Johnson and Sean Wilentz's arresting new book. Matthews was a carpenter from upstate New York who, after a lifetime of finding God everywhere and economic success nowhere, rode his half-starved horse into Manhattan in 1832, proclaiming his own divinity. He presented himself as not a Christian at all, but as Matthias, the culmination of a line of virile Jewish prophets leading up through Adam, Moses and Jesus to his penultimate incarnation as the thirteenth apostle. In the 1,800 years since the apostolic times, Matthias declared, God's "male governing spirit" had been wandering the earth, staying his hand until the vast Christian heresy was ripe for its end. And now, finally, he had returned, in the body of this bearded Jacksonian Jew, to gather up his chosen people.

America is even richer in seekers than in seers; and it was not long before Matthias's cracked charisma gave him command over the souls and the pocketbooks of several wealthy New Yorkers. He took over a small church previously devoted to just the sort of Christian practices he detested. Then he began appearing downtown in a special carriage, fantastically dressed, preaching to crowds while brandishing a sword, an iron ruler and the chain with which he would bind Satan once and for all. The gentile world was soon to burn, he told his audiences, and then the Hebrew

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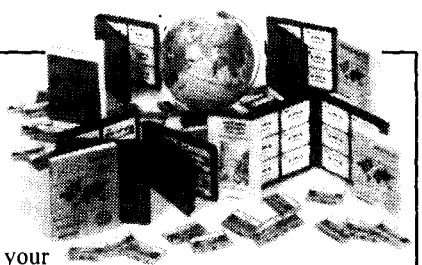

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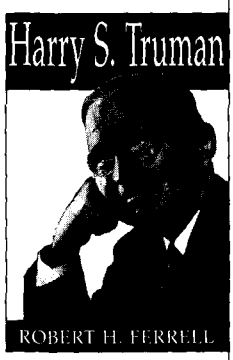

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spirits in his male followers would awaken into a renewed terrestrial paradise, where under his governance they would live like country squires and oversee their wives and children with the authority of Abraham.

There is something breathtaking about the call for total restoration, even when it comes from such a cranky vehicle as Matthias. Americans were glad, they are still glad, to entertain the radical Protestant notion that all history since the apostolic days has been an error now to be cast aside. A sublime disregard for the past goes along with exorbitant visions of what might be accomplished in the present. Many of the religious pioneers of Matthias's time—Shakers, Mormons, Oneida perfectionists, Adventists, Disciples of Christ—considered themselves chosen to "restore" an order of life aboriginally intended by God. For them, the beginning of holiness meant the end of merely human history; their millenarian and apocalyptic fevers expressed the feeling that they were stepping out of time and onto the brink of something both infinite and concrete. With no past at their backs other than what they had invented for themselves, more than a few of these communities felt free to make radical changes in their approaches to sex, childrearing, work and worship. Behind their experiments was not the thought that they were making something new, but the certainty that they had rediscovered what was finally and originally right.

The Manhattan phase of Matthias's Kingdom ended with a police raid and a cell for him at Bellevue. His doctrine was too odd, and his possession of the faithful too severe, for Christian neighbors to endure him for long. So Matthias fell into the step that many less haphazard prophets have also taken in their efforts to create a new people: this was the step of communal separation, which American conditions make especially inviting. At a follower's country estate on the Hudson he gathered a few die-hard believers and established, for a short time, the Kingdom of his visions in the actual world.

"Mount Zion," which was to be the first outpost in the universal restoration of fatherly rule, seems never to have grown beyond a dozen adults along with their children. The all-important point, though, was that Matthias should rule; and he did so with a vengeance. He anticipated some of our more recent cult leaders in his power to dominate and to degrade the members of his flock. Every detail of domestic life fell under his purview; and he met infractions with rages and whippings. Like other prophets, too, he had the gift of endless discourse, numbing his captive audience for hours with rambling harangues. These things would have been impossible, of course, if Matthias's followers had not been ready to adore their master and to relish their own abjection. Ann Folger, wife of the prosperous merchant whose estate Matthias had appropriated, was reported to have declared, "Now I love Father more than ever," after watching him whip another female member of the Kingdom. She was uniquely entitled to such feelings, as her husband had been forced to understand, because Matthias had already claimed Mrs. Folger as his own bride, his "match spirit," destined to give birth to the next messiah.

Like all restored communities, Mount Zion reflected dreams and grudges of far more contemporary origins than its residents would admit. Johnson and Wilentz show in pointed detail how Matthias created a kind of caricature of the lost world of his own rural upbringing. As he contrived it, this was a world undisturbed by the commercial forces that had revolutionized the Northeast during his life as Robert Matthews. More specifically, it was free from the usurpations of fatherly authority within the family that evangelical Christians, hand in hand with the new economic conditions, were working to encourage. The Christians, with their prayer sessions, Sunday schools and home missions, had drawn women and children away from the father's rightful rule; but at Mount Zion, Matthias restored the venerable order in which the patriarch, namely the prophet himself, held total supervisory power over his household. Like Abraham, Matthias aimed "to be found in his tent-door, through which nothing could pass without his inspection to disquiet the family."

Much of Johnson and Wilentz's interest in Matthias centers on his vigilant misogyny and his loathing for evangelical ministers, for there one can begin to see the relationship of his cult to larger issues in the religious tumult of the period. Mount Zion must count as one more story in what is retrospectively identified as the Second Great Awakening (Jonathan Edwards presided over the first one 100 years earlier), the upsurge of religious invention that spread over the nation after the states disestablished their churches in the early 1800s. We most readily associate the Second Awakening with Charles Grandison Finney, who spearheaded a transdenominational revival movement among the New England settlers of northwestern

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New York, a district "burned-over" by incessant religious fevers during the '20s through the '40s, and who then carried his crusade to the merchants and professionals of the larger cities. Powerful reform enterprises swept outward from the Finneyite fever—temperance, anti-slavery, anti-Catholicism, sabbatarianism, home missions to workers' families, women's rights—all of which sought to transform America into the homogeneously Christian nation that it had to become in order for the millennium to begin.

Matthias himself had tasted bitterly of Finney's revival. He had been refused membership by an evangelical Presbyterian church in Albany in 1829, driven out in shame by the Finneyite minister on account of his reputation for shiftlessness and wife-beating. The church members had instead devoted their attention to his wife, Margaret, who resisted her husband's apocalyptic bullying by citing her own dream-vision in which Finney had instructed her to read the Bible for herself. Abandoning Albany to what he believed would be immediate annihilation, the carpenter wandered into the holy land of western New York state, where he embraced his mission as the prophet Matthias.

What Matthias blamed for the ruin of his family was, in fact, the most controversial and influential element of the Finneyite "new methods" for spreading millenarian excitement. Evangelical ministers scandalized the orthodoxy by encouraging women to pray aloud and deliver testimony in mixed assemblies. On the congregational level and in all its various reform and missionary activities, Finney's movement was dominated by female believers. A seemingly feminine bias also informed the moral crusades that went along with the new enthusiasm. Instead of laying down the law in their families, men now were told to govern themselves: their drinking, dueling, whoring, gambling, slave-holding—all the evils attacked by the evangelical reform program—were seen as extensions of a domestic tyranny that had to be rooted out. So in evangelical homes, the lawgiving father found himself displaced by the prayerful mother, who was idealized as the angel in the house, owner of a purer nature than her husband and hence responsible for educating the children, soothing the father's passion, teaching everyone the virtues of love and self-control. It was this newly manufactured image of herself that the battered Margaret Matthews invoked against her husband, who was already seething with moral visions of a very different sort.

But the Second Awakening included more than middle-class evangelicals and their progressive reforms. It was also a spiritual revival of rural and working-class Americans such as Matthias, and of blacks both free and enslaved. As Johnson and Wilentz's book demonstrates, historians must be willing to follow odd avenues to approach this less coherently defined but certainly more populous component of the revival decades. Barton Stone's anti-creedal "Christian" movement, Alexander Campbell's Disciples of Christ, Elias Smith's Christian Connection and Elias Hicks's Quaker primitivism were all expressions of a religious excitement that tended to oppose evangelical conformity and moral engineering. Many rural Baptists upheld their own restored communities by resisting the missions sent to them by their middle-class brethren. And the greatest rebuke of all to the Finneyite campaign was the Adventist revival movement led by the old patriarch William Miller, who brought together tens of thousands, even hundreds of thousands, with the message that Christ would return to earth in March 1843.

In regard to relations between men and women, this more plebeian wing of the Second Awakening was hardly "progressive" in the senses advocated by the

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millenarian evangelicals; yet its various sects felt no less confident in their power to build restored Christian communities. They were at least as disposed to perfectionism and radical social transformation as the Finneyites, even though their moral ideals (which often included temperance and anti-slavery) derived from folk traditions rather than from dreams of the future. Indeed, some of them suffered tribulations and enacted disasters on a biblical scale. While Matthias was putting the final touches on his Hebrew identity in 1831, Joseph Smith led his people out of the burned-over district to the holy city of Kirtland, Ohio, in the first of the three Mormon hegiras. And that was also the year of the self-elected prophet Nat Turner, who beheld black and white spirits battling in the sky and set out to ignite Armageddon near Jerusalem, Virginia.

It would be convenient if these two broad components of the Second Awakening—conservative restorationists and evangelical millenarians—could be clearly set apart from one another on grounds of social class or education or regional background. Such grounds may indeed be used to define the line separating the perfectionist descendants of each of them: for on one side we now behold the Christian right with its family values, and on the other side the moralizing reformers who would make public institutions, such as universities, into their churches. Within the religious matrix of the early nineteenth century, however, such oppositions seem far less stable, if only because they were just then groping their way into being.

What are we to do, for example, with the fact that the key members of the Matthias cult were not disgruntled workmen or wounded patriarchs, but ardent evangelical reformers from the middle and upper classes? They subjected themselves and their families to a grotesque version of just the masculine tyranny their religion taught them to abhor. Even more paradoxical was the attitude of Isabella Van Wagenen, Matthias's most loyal follower. She had lived as a slave under five masters before being freed in 1827, and then had found comfort and spiritual satisfaction in white evangelical churches in New York City. Yet she, too, became a subject in Matthias's Kingdom, and let herself be whipped as before. It further deepens the mystery to discover that later, under another name, she won fame as an orator for the causes of abolition and women's rights.

Johnson and Wilentz connect Matthias's Kingdom to the "manly cults" that seem to appear regularly among American religious inventions. The Mormons, they suggest, were the most spectacular of these; and Matthias does look like a dim shadow of the truly Abrahamic Smith, who consummated at least forty-eight marriages, some with the wives of followers, during the decade before his death in 1844. (The two prophets actually met at Kirtland—Matthias's last recorded appearance before vanishing into the West.) But Matthias had none of Smith's imaginative endowment, much less his genius for transforming extravagance into practical success. The polygamist James Jesse Strang, king of Beaver Island, makes a more proportionate analogue, as do the two more recent messiahs mentioned by the authors: Jim Jones, who claimed his sperm was too powerful to produce anything but male offspring, and David Koresh, who vowed to "rule the world with this rod between my legs."

All the elements that we know from the cult scandals of our own time were present when the Kingdom broke down in 1834 and Matthias was put on trial for supposedly murdering his chief supporter: cruelty, money, sex and the prospect of what now would be called "mind control." Vigilant outsiders also played their parts—neighbors, relatives of cult members, police and finally the press—few of whom bothered to distinguish between moral outrage and prurient curiosity. Books appeared, as various involved parties sought to cast the blame on one another. After all the fascinated hand-wringing and conventional explanations, though, the episode was forgotten. Such things are too bizarre, and too familiar, to keep our attention for long.

The greater part of the Matthias story remains mysterious; and it is encouraging to see how Johnson and Wilentz come to terms with something that hovers between anomaly and example. In previous books, both historians have explored broader issues in the development of social classes in nineteenth-century America. What they give us here, however, is an elegant and provocative narrative, composed in ways that illuminate the odd angles at which their characters approached one another. It takes literary skill as well as historical mastery to stay responsible to the current of incurable loneliness that informs this and other American religious experiments. Explanations by reference to class struggle, and to fault lines between old and new paradigms of identity during times of economic upheaval, are helpful, to be sure; but Johnson and Wilentz seem aware that such explanations can take us only part of the way into the event itself. They cannot account for the stranger elements: the charisma of the prophet, the conversions of followers, the passionate bondings and breakups of community. Nor can they account for individual lives that cross one another, entangle and even crush one another, but that no one, apparently not even God, can bring into final coincidence. Good historians can tell the stories of all these things, but only prophets, the ones who live their own stories, can feel confident enough to explain them.

LEE RUST BROWN teaches English at the University of Utah.

World of our Father

BY FRANK KERMODE

A Critic's Notebook
by Irving Howe

(Harcourt Brace, 364 pp., $27.95)

Like most of the critics of his generation, Irving Howe in his later years had ceased to interest the critics who, for a generation or so, have dominated the academies. As he himself rather sadly noted, there are now very few critics outside those academies. Howe was a distinguished "New York Intellectual," and as the patterns of literary life altered he found himself, like most of his peers, required to become a professor. But his roots were in the New York of the '30s, a time when political and literary passions were scarcely differentiated, and when they were together dedicated to the making of a better world.

The politics of the participants changed, but the experience marked them indelibly. I remember a *Partisan Review* conference in 1965, which was supposed to be about "The Future," at

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which most of the papers and almost all of the discussion and the coffee-time talk seemed to be about the controversies that had animated the New York intelligentsia of the '30s, as if the seeds of the future had been sown then, and our job thirty years later merely was to decide which of them had grown and which had not. It is hardly surprising that a new generation looks elsewhere for its inspiration, though in so doing it may be missing a lot more than it thinks.

A recent essay by Gerald Graff and Bruce Robbins accuses Howe, who, as they remark, once believed that "the most valuable literary critics have often doubled as political insurgents," of forgetting his own point when he objected to the "preoccupation of today's literature teachers with 'race, gender and class.' " According to his critics, Howe had failed to notice that the recent repoliticization of criticism springs from the same "pressure for extra-literary connections" that he himself "once recognized as a legitimate critical impulse." But it is one of the achievements of this posthumous book to show rather clearly who, in this argument, is missing the point. Howe was indeed, as one of his colleagues at *Dissent* observed, "attuned ... to the actual experience of political life" in a fashion very rare among these opponents. But he was also attuned, in a manner even less in evidence among them, to literature, and especially to the novel, considered as a source of pleasure and a means for the enhancement of consciousness.

The work of Howe throughout his career can be divided into categories—history, politics, literary criticism—but one category does not forget the others, and the literary criticism (as was the way of those "New York Intellectuals") habitually took account of those "extra-literary connections." In so doing, it was in principle opposed to the last great postwar academic orthodoxy of the professedly apolitical New Criticism, now despised, which incurred Howe's opposition much as he himself now incurs the opposition of Graff and his like. Still, there is a clear difference between a literary criticism with extra-literary connections and a criticism that is not, in any useful sense, literary at all.

In this last book, Howe shows what it is like for a man interested in politics to read great literature with a developed literary sensibility. The very possibility of such an activity is dismissed by Graff as "middlebrow." But what needs always to be remembered about such remarks is that they are applauded by a constituency that can only deny the existence of a specifically literary sensibility

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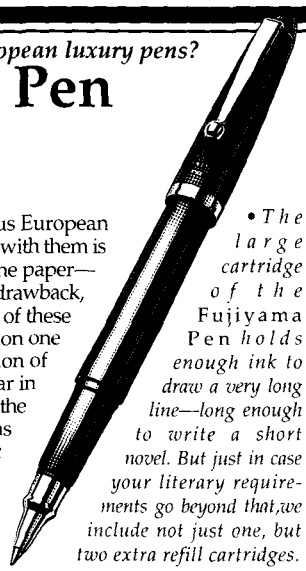

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because it has never had it, and supposes that it has no need of a quality self-evidently spurious, much as the tone-deaf might despise people who attend carefully to music.

An informative and very well-written introduction by Nicholas Howe, the author's son, reports that Howe, after a couple of decades in which he wrote little "straight" literary criticism, began to assemble short pieces, mostly too brief to be called essays: he called them *shtiklakh*, the Yiddish word meaning "little pieces or morsels," presumably choice ones, and, by extension, "the turns of an accomplished performer." Howe meant them for publication, and published a good number of them in these pages; but he felt free to treat them as parts of a discontinuous journal, so that although everything is finished and lucid he will sometimes go over the same ground twice, and even, as in two unconnected passages on Ford Madox Ford's *The Good Soldier*, appear to contradict himself—as a good reader well might, since admiration and annoyance are likely to compete for supremacy in any estimate of that book.

Occasionally Howe directly challenges aspects of the newest cultural theory, but for the most part this collection is an exemplary demonstration of what it is to read carefully and to think carefully about literature. Asking himself such questions as "Characters: are they like people?" or "How are characters conceived?" he will consider the usually dismissive treatment of such subjects in modern literary theory, but he will soon get on to making acute observations on particular books. Is a novel with "mimetic characters" a "machine of repression," as the French sage Hélène Cixous contends? Howe will not say outright that he finds this pretentious or absurd. Instead he will muse about Robinson Crusoe, Flem Snopes, Tess Durbeyfield and Molly Bloom, and ask why critics should prefer to believe these characters are not he's and she's but mere "it"'s, with no relation whatsoever to persons as we encounter them in our daily lives. The new critics seem to dismiss not only the existence of such a relation, but also the possibility that readers can derive pleasure (perhaps even instruction) from it, as a great crowd of witnesses would testify, most of them, of course, theoretical ignoramuses.

A striking quality of Howe's meditations is the extent and the ease of his acquaintance with novels in many languages. He writes with particular penetration about Dostoevsky and Chekhov, and takes particular care with Tolstoy. But he also will freely draw his illustrations from Turgenev and Lermontov, from Diderot, Stendhal and Balzac, from Dickens and Gissing and Hardy and Lawrence, from Henry James and Faulkner, from Nabokov and Kundera. As he does so, those "extra-literary connections" are never far from his thoughts. And the only reason that one regrets his chosen form, and wishes for pieces bigger than *shtiklakh*, is that one wants him to go on—as, say, when he comments on Bazarov in *Fathers and Sons* and broaches the difficult ideological issues that this character (so memorable, so "real") presented to Turgenev's first readers and now, changed by changed historical circumstances, presents to us.

A fair example of the way Howe was thinking about what we do when we read novels is his meditation on what he calls "the gratuitous detail." As he remarks, there is a "natural" desire on the part of the reader to harmonize all local passages with the dominant theme of a novel. In fact, this cannot be done in most cases, perhaps in any case, except by counter-intuitive and fanciful critical finessing. But this does not mean that criticism need ignore "the gratuitous detail." He gives, as one instance of what it can do, the scene in *Little Dorrit* in which Little Dorrit, locked out of the Marshalsea Prison, has an encounter with a prostitute.

Whatever one makes of this moment—it is, at its simplest, an indication of the "shame, desertion and misery" of the streets into which the young woman is driven—there remains an inexplicable residue: Why is the prostitute friendly so long as she supposes Little Dorrit to be a child, but compelled to leave her (and the novel) when she realizes this is not a child but a woman? Howe's answer is to reflect on the apparently redundant intensity of the prose of the passage, "overwrought and pulsing even for Dickens," and to speculate that here the novelist is looking forward to the production of effects not to be had in this novel, but possible in some future one, in which a later Dickens might "penetrate, as no English novelist had yet done, mixed psychological states, extreme versions of human personality and its disorders," and so turn into a kind of English Dostoevsky. The prostitute is not "needed" in *Little Dorrit*; but in the work of that future Dickens, never to come into existence, she might have been more like a character out of *Crime and Punishment*, or even come to be "conflated" with Little Dorrit.

This conjecture is not of a kind to interest Graff and his associates, but it is truly imaginative, and it tells us something about the Dickens who did exist. For the most part, Howe's tone is more temperate. Anybody who supposes him to be indifferent to the relation between a novel and the historical moment of its writing should consider his remarks on the collapse of Scott's once apparently impregnable reputation, or on the fact that students now fail to be thrilled by Hemingway's *The Sun Also Rises*: "A gap had opened between generations, so that the very novel which history had, so to say, pressed against our hearts had now fallen victim to history." His reflections on the success of Virginia Woolf's unfair campaign against Arnold Bennett also prove his sensitivity to the forces at work in a particular historical epoch.

The good critic and the honest teacher will always work not only to combat, but also to explain, the ravages of history, sometimes conceding defeat but always reducing the cost of it. What was it exactly that made Silone, Koestler and Orwell so exciting? What happened at the Moscow trials? What precisely was the fascism mentioned by Silone? But what the teacher must not do is to make historical context the sole or main interest. He must show that a work of literature, when all is said about its position in the conflicting discourses of its moment, may still have a human value proper to itself. On this point Howe agrees with his admired Hazlitt, another critic with strong political concerns who genuinely loved books.

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The most contentious, and possibly the saddest, of these last pieces is Howe's attack on what he calls "the punitive novel," works such as E.A. Ellis's *The Rack* or Gissing's *Born in Exile* or Rosellen Brown's *Tender Mercies*, which merely "solicit pain and hoard guilt." Howe wonders what purpose can be served by books that punish the reader. It is a fair question, posed by a man who was himself, as he wrote, acquainted with pain. But Howe, typically, adds another question: "Does even asking such questions betray a loss of nerve, the faltering of age before harsh realities?" Critics are not only inescapably political, they are also themselves the victims of history; and to know that, and still affirm a continuing humanity, was Irving Howe's achievement in these last writings.

FRANK KERMODE is the author most recently of *The Uses of Error* (Harvard University Press).

The Sorrow and the Facts

BY WALTER LAQUEUR

Anatomy of the Auschwitz Death Camp edited by Yisrael Gutman and Michael Berenbaum

(Indiana University Press, 638 pp., $39.95)

The third wave of literature on the Holocaust is drawing to its close. Survivors and eyewitnesses have had their say, specialist and general studies have been written, and by now the documents found in the archives of the former Soviet bloc have also become part of our knowledge. No major discoveries seem any longer likely, but interpretations and reinterpretations and misinterpretations flourish.

The German historian Ernst Nolte has made it known that more people perished under Lenin and Stalin than under Hitler, and that the murder of the Jews, while a great crime, is by no means unprecedented, for Hitler received much of his inspiration from the Soviet leaders. Arno Mayer of Princeton revealed that the murder of the Jews originated in Hitler's hate of the Bolsheviks, and that the Final Solution came under way only after the Nazis realized that the war was lost. Various schools of German historians, and also a few British and American ones, discovered that the final solution had more to do with Nazi social, economic and demographic planning than with racial and anti-Semitic prejudice. They found that Hitler was a weak dictator, unable to take decisive action, and that those truly responsible were the administrators and the bureaucrats.

When historians grow restless, or have no new data to digest, there is no limit to the nonsense they will produce. Thus the awful phenomenon of "Holocaust revisionism," which should be called more properly Holocaust denial. The Holocaust deniers make a variety of claims. Some say that Hitler did not know about any plan to exterminate the Jews, and that not one Jew was harmed except by accident or by the inevitable consequences of war. Others are willing to concede that half a million Jews might have been killed, but that this was the moral equivalent of the indiscriminate Allied bombing of Germany.

This marginal movement of historiographical denial has provoked many replies. At the level of popular culture, of course, the deniers cannot be permitted to proceed unchallenged, because the public is too easy to mislead. The refutation of nonsense is a tedious task, but in this case it must be done. At the scholarly level, however, the disputation with the "revisionists" may be a waste of time. The phenomenon of Holocaust denial ought to be studied carefully, but I am not sure there is much point in engaging in academic debates with the perpetrators. Not a single denier of the Holocaust has ever been dissuaded by facts; if one argument is disproved, they think of another. You may as well try to convert a militant anti-Semite by adducing Jewish Nobel Prize winners and violinists.

The debate with the deniers has allowed a certain apologetic tone to seep into serious writing about the catastrophe, but *Anatomy of the Auschwitz Death Camp*, a huge volume that is bound to become a standard work, does not belong to the apologetic literature. It was edited, with Yisrael Gutman, by Michael Berenbaum, an accomplished scholar whose achievements include the conceptualization of the Holocaust Memorial Museum in Washington, D.C. and the establishment of its important research department. Not all of the contributions to this book are published here for the first time, some are summaries of more detailed studies, and some should have been brought up to date; but this is a comprehensive work that is unlikely to be overtaken for many years.

This learned volume is about as chilling as historiography gets. It includes essays on the main camp at Auschwitz and its fifty satellite branches; a technical essay about the incineration, air extraction and ventilation systems, that is to say, the technical details of the killing machinery; studies of the plunder of the victims (from the confiscation of watches and fountain pens to the industrial use of human hair); of the guards posted to Auschwitz; of the Nazi doctors and their experiments; of hospitals in Auschwitz; of the fate of women and children, and gypsies, and the Hungarian Jews who came last; of the undergrounds, the escapes, the diaries written by inmates; of the Allied failure (or rather, refusal) to bomb Auschwitz; of the postwar Auschwitz trials in Germany, the best known of which took place between 1963 and 1975. In brief, no major aspect of what one writer has called "the concentrationary universe" is missing.

It is impossible to do justice to a work of such encyclopedic character in a review, but two contributions should be singled out. One of them concerns the number of victims, an issue that has been widely discussed for many years. Franciszek Piper, head of the research department at the Auschwitz-Birkenau Museum, notes that the figure of victims most frequently mentioned in the popular literature (in both West and East) is 3 million to 4 million. This is based partly on the evidence of Rudolf Höss, the commandant of Auschwitz who, at a trial in 1946, gave an estimate of 3 million dead: 2.5 million murdered, 500,000 starved to death and killed by disease. But Höss subsequently withdrew his statement, claiming that he was given this erroneous figure by Eichmann, and that in his view 1.1 million people had perished in Auschwitz.

In recent years, following a long and detailed investigation undertaken by Piper, most experts have tended to accept the lower figure. It is important to understand, however, that this lower figure does not mean that the total number of victims at Auschwitz was smaller than previously thought. It means, rather, that the victims perished

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at other sites of execution all over Eastern Europe. All serious students of this subject agree that the total number of Jews who died was between 5.1 million and 5.9 million.

The new figure for Auschwitz does not come exactly as a shock. Early studies, such as Gerald Reitlinger's in 1953, gave estimates ranging between 800,000 and 1 million. How to explain the subsequent higher estimates? They were disseminated by writers who did not conduct their own investigations, but based their figures on the findings of various Polish and Russian state commissions. The truth, of course, was difficult to establish. There were enormous gaps in the source materials, and the Nazis did their best to obliterate the traces of their crimes. When the Soviet army liberated the camp, they found records that accounted for only 100,000 deaths; most of the files had been destroyed.

Auschwitz, moreover, was not one camp, but three: an industrial labor camp, a killing center, a concentration camp. It housed civilians and prisoners of war, non-Jews as well as Jews. This complexity of organization made wholly reliable statistics virtually impossible. It ought to be recalled also that there are even greater discrepancies in every other known mass murder in history. About the Soviet Union, estimates vary from 2 million to 25 million or more. About the massacre of the Armenians, they range between 200,000 and 2 million. About the Serb victims in the short-lived Croat state from 1941-44, estimates vary from none to 600,000. Not to mention Cambodia under Pol Pot, China during the Cultural Revolution, or the present civil strife in Africa. The new figures may now err on the low side, and wholly accurate figures will never be available, but the experts who have re-investigated the number of victims should be commended. It is a terrible subject, and their work could not have been easy for them.

That the readiness to correct the scholarly mistakes of the past cannot be taken for granted is demonstrated by Martin Gilbert's contribution, about "what was known and when," in this book. Gilbert is best known as Winston Churchill's biographer, but he is also the author of *Auschwitz and the Allies*, which appeared in 1981, and which, together with some interesting findings from the files of the British foreign office, reached two conclusions that were, and still are, manifestly wrong. Gilbert attributes a pivotal role in conveying the first reliable information about Hitler's decision to exterminate European Jewry to Haim Posner (Pazner), a junior employee with a Jewish institution in war-time Geneva. This was what Posner told Gilbert when he worked on his book; but several historians (including myself) have pointed out to Gilbert that this was quite incorrect. More important, those in Geneva working with Posner or supervising his work at the time, such as Samuel Scheps and Gerhard Riegner, have explained to Gilbert that his account was fictitious. But none of this subsequent correction has made the slightest impact on Gilbert, who continues to peddle the Posner saga in this book.

Gilbert also wrote in 1981 that the news about the Holocaust reached the outside world in 1944, when in fact "what was known" was known in the summer of 1942. Thirteen years later Gilbert persists, listing various incidents in 1942-43 when Sobibor, Treblinka, Chelmh and other death factories were mentioned, but Auschwitz was not. Even if this were correct, and it is not, surely this is still a pointless exercise, for politicians and the public abroad were informed through many channels about the murder of millions. If Auschwitz was not mentioned in the files of the British Foreign Office (and nobody can be certain that all the relevant files have been released), the information was broadcast by the BBC in many languages, and it was featured in the London and New York newspapers. Gilbert reiterates that Auschwitz was still "cursed by the problem of delay of knowledge"; but there was no significant delay. The facts about the mass murder were known in towns and hamlets throughout Europe, though not in every detail. The problem, of course, was that the information was not internalized, not least because many people chose not to internalize it. The tedious debate about "what was known and when" should finally be brought to an end. It is itself a small disgrace.

WALTER LAQUEUR is the author most recently of *The Dream That Failed: Reflections on the Soviet Union*, forthcoming from Oxford University Press.

TRB *continued from page 4*

two specious implications have been drawn from the Aideed incident, and instantly codified in the press as "lessons of Somalia."

The first is that the array of possible post-cold war interventions can be divided into safe "humanitarian" missions and dangerous "nation-building" exercises. "The initial mission was narrowly defined and quite simple: feed the hungry," writes Krauthammer. "The operation went wrong only ... when America strayed into politics and assigned itself the task of nation-building." But the world is not that neat. There can be relatively safe nation-building initiatives (e.g., the American occupation of Germany after World War II). More important, there are dangerous humanitarian missions. Indeed, four Americans were killed in combat during the "simple" feed-the-hungry phase of the Somalia operation, which in fact required a bit of nation-building to hold off the warring clans. What if those four dead Americans had been displayed on CNN?

Here the second false "lesson of Somalia" comes into play, which is that humanitarian intervention is justified only if it meets what Krauthammer calls the "paramount criterion: costlessness." A few months after the fatal Aideed manhunt, a chastened Clinton administration lobbied against an early U.N. military intervention in Rwanda, at a time when it might have saved hundreds of thousands of lives. It would not, after all, have been costless. So it didn't happen until too late.

Is it really only worth saving hundreds of thousands of Africans, or liberating millions of Haitians, if there are virtually no American casualties? These are *soldiers* we're talking about—volunteer soldiers, under current arrangements. In the case of the Army Rangers killed in Somalia, they voluntarily joined a part of the military that they knew would be called on for especially risky jobs.

Last May, in this column, Michael Kinsley pointed out a flaw in this line of argument: today's soldiers knew they were going to be soldiers, but they did not know they were going to be humanitarians. Is it fair to ask someone who volunteered to die for America to die for Father Aristide? Oakley, interestingly, says he's started to hear this objection from military officers. He thinks it's bunk. I'm not so sure. But Kinsley's solution—special expeditionary forces composed of volunteers for each particular mission—seems unnecessary. If it isn't clear to today's soldiers that they have volunteered to serve the national conscience as well as the national security, it will be clear to tomorrow's.

Once the risk of combat is borne by Americans who are seen to have freely embraced "armed humanitarianism," public tolerance for casualties may increase. The day could even come when American soldiers are sent on humanitarian missions—perhaps "nation-building" missions—with full public acceptance of the possibility they will fail. In Haiti, one suspects, that is a luxury Clinton will soon wish he had.

MICKEY KAUS

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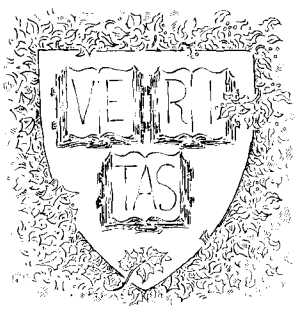
CAMBRIDGE DIARIST

Revelations

"I THINK PRESIDENT CARTER IS A particularly great national resource," said Warren Christopher on the "Today" show last Friday. Maybe Christopher intended the metaphor to evoke the ooze and glob of oil. Still, given how the secretary of state fought the Carter mission to Port-au-Prince, this is supposed to be news. Well, he did say it; millions heard him. But did he mean it? Personally, I don't take Christopher seriously as a judge of greatness. But then, I agreed with the editorial in TNR, just when he was appointed, which dubbed him an "empty suit." During the early months we took considerable grief from some of our friends in the administration for what they called this "cruel" assessment. Now it's they who remind us of our call. But the struggle between Christopher and Carter as to which of them is really secretary of state is all shadowboxing. Neither of them is, although you can't blame the ordinary citizen for thinking that President Clinton had replaced the former with the latter. The president apparently now feels embarrassed by Maureen Dowd's revelations in *The New York Times* about Carter's efforts to sabotage the Bush administration's intervention in the Gulf war—could Clinton not have known of these?—and about the ex-president's warm feelings for tyrants generally (and Hafez al-Assad especially). We're also told that Clinton resents Carter's behavior in Pyongyang. The new spin, then, on why Clinton sent his goofy predecessor on sensitive official missions is that Carter would have gone on them privately anyway. So deputizing him was the only way to control him. Which, of course, it didn't.

WHO IS SECRETARY OF STATE? FOR the moment it's Anthony Lake, whose formal title is national security adviser. It is true that Lake has fought what the reporters call a "bitter duel" with Christopher over U.S. foreign policy. But this is not a conflict of titans but of weaklings, intellectually and personally. It is also not a battle over the purposes of American policy or, for that matter, over its means. Neither Lake nor Christopher wants us to be a big player anywhere. After all, the two contenders took their foreign policy cues from Cyrus Vance, who took his from Jimmy Carter. They do, however, disagree on one item: the usefulness of Carter. Lake likes using him; Lake cannot displace Christopher by himself. For that he needs Jimmy Carter, and he's had him. But when Clinton decides, like Carter before him, to give himself a second chance by disposing of the first team and choosing another, Lake will no more be in the lineup of smiling faces than will be Christopher.

I DON'T REMEMBER WHETHER, when he was president, Jimmy Carter continually referred to himself in the first person plural. But "we" now does. We also write poems, and we showed them to Dowd. Something happened to Carter in his exile in Atlanta. Having failed as a political force, he fabricated himself into a spiritual force. His use of "we" is probably in his own eyes akin to its use by the pope. The consequence is that Jimmy Carter is now a meta-American, or so he thinks. One problem with the Clinton administration is that it—or at least its foreign policy *apparat*—also sees itself as meta-American. That is why it persists in covering itself with the tatters of the United Nations. But international authority does not really ever believe in the use of force. Neither does Carter. Which explains why his agreement with Cedras was a sordid compromise, and a compromise that won't hold.



FRENCH PRESIDENT FRANÇOIS MITterrand will soon meet the great rabbi in the sky. Terminally ill with cancer, Mitterrand had cooperated with author Pierre Peán on a book confirming his youthful enthusiasms for Marshall Petain and his work with the Vichy government, the collaborationist regime in the Nazi years. Perhaps, he thought, these carefully calibrated confessions, which admitted more than was previously proved about Mitterrand's past, would bring to an end the other rumors, mostly disbelieved, of his deeper loyalties and involvements. They haven't, and largely because the president stubbornly refused to say that either he or France itself had anything much to be contrite about for what happened during the German occupation. After all, he told French television, Vichy had only delivered foreign-born Jews to their murderers, as if that would be an extenuating fact if it were true, which it isn't. His refusal to warrant Vichy's becoming a burden on the French conscience is an old business. In this he is like the president of Croatia. Mitterrand, sardonically called by *Le Monde* the "guardian of the nation's memory," is merely another of its deniers, just like the petty shopkeepers in *The Sorrow and the Pity*. Even Mitterrand's few remaining comrade-socialists are now scrutinizing his concealed postwar relationships and favors to notorious collaborators. Mitterrand was no Kurt Waldheim. But, unlike the revelations about the Nazi who became secretary-general of the U.N., even the new revelations about the Vichy functionary who became president were not entirely surprises, at least not to the deeply skeptical. A few years back Elie Wiesel was preparing a book of conversations with Mitterrand on all the heavy topics. It never appeared because Jacques Attali filched the transcripts. What would it have said on this matter? Will Wiesel now tell us?

IT IS NEARING FIFteen years since the Shah's government dissolved in Iran and was replaced by the rule of the mullahs. As the pressure was mounting on the monarchy, not least from the Carter administration, I remember thinking that this was one of those places where the state was more liberal and tolerant than society. Three years ago I visited Saudi Arabia and felt that here was another such place. Now, to be sure, King Fahd's rule is nowhere near as authoritarian as Pahlevi rule was. Moreover, the House of Saud seems altogether secure, and not just because it has built large walls around itself in the form of free education and social services, which are also authentic expressions of Muslim communalism. Nonetheless, there are plenty of Islamic extremists in the country who, if they had half a chance, would not shy away from mayhem as they haven't in the past. Pressure from these mostly clerical militants forced the Riyadh government to withdraw from the Cairo population conference. The same people have been channeling money and arms to violent Muslim organizations in Tunisia, Egypt, Algeria and Jordan. Many of these folk deem the blood of Shi'a *hallel*, or ripe for the shedding. Now some of them have been detained, and others have been read the riot act. Soon we will hear protests against this clamp-down. The protests will be framed as the defense of Arab democracy. Don't believe them. At most these protesters mean by democracy one man, one vote, one time.

MARTIN PERETZ

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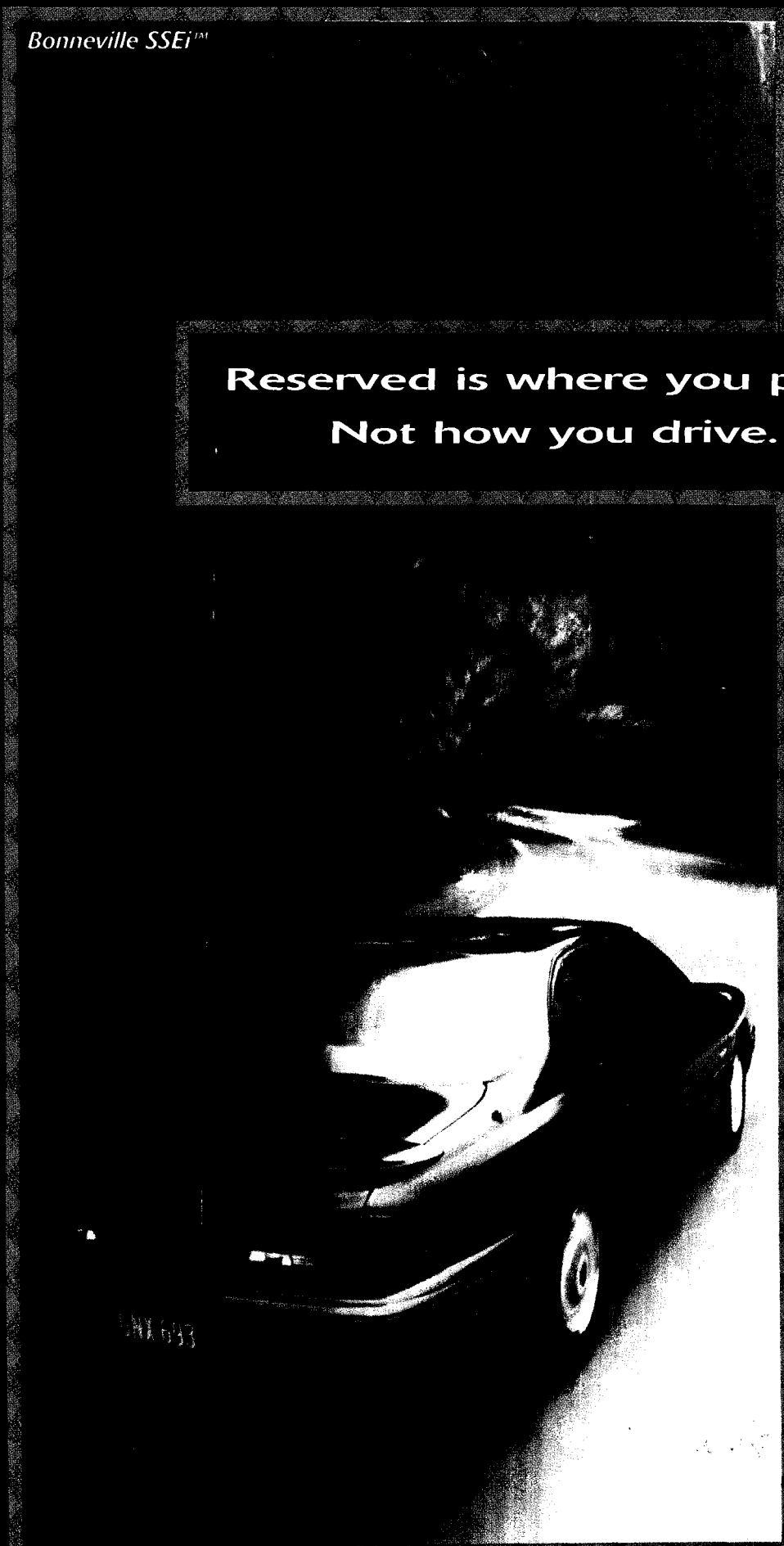

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PONTIAC CARES with a 3-year/36,000-mile no-deductible bumper-to-bumper limited warranty, plus free 24-hour Roadside Assistance and Courtesy Transportation.

See your dealer for details. *Based on MSRP of comparably equipped 1994 BMW 525i and Lexus LS 400 models.

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